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No.

IN THE
SUPREME COURT OF THE UNITED STATES

In Re: Patrick James Knowlton, *Petitioner*

PETITION FOR WRIT OF MANDAMUS

PETITIONER'S APPENDIX

Volume 1 of 2 volumes

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156PP

CONTENTS * Petitioner's proffer in the District Court

VOLUME I

Appendix A: Docket sheet – United States District Court for the District of Columbia, IN RE GRAND JURY Misc. No. 0036 (NHJ) – UNDER SEAL
&
Docket sheet -- United States Court of Appeals for the District of Columbia Circuit, No. 00-3081 (Misc. No. 0036) – (initial filings due 10/5/00) UNDER SEAL.....1

Appendix B: District Court Order UNDER SEAL.....4

Appendix C* Appendix to the OIC's interim July 15, 1997, Report on the Death of Vincent W. Foster, Jr., September 23, 1997.....5

Appendix D* Second Amended Complaint (verified), October 21, 1998, Knowlton v. Edwards et al., United States District Court for the District of Columbia, Civil Action No. 96-2467.....28

Appendix E* Affidavit of Kathryn Kaplan, October 26, 1995.....99

Appendix F* Polygraph Examination Report, Affidavit of Paul K. Minor, May 2, 1997 (10-page Curriculum Vitae not included).....100

Appendix G* Affidavit of Christopher Ruddy, April 24, 1997.....102

Appendix H* Affidavit of Gene Wheaton, April 28, 1997 (12-page Curriculum Vitae not included).....103

Appendix I* Affidavit of Ted L. Gunderson, April 23, 1997 (5-page Curriculum Vitae not included) 105

Appendix J* Psychiatric Report of Dr. Thomas C. Goldman, M.D., February 26, 1996, Affidavit (Curriculum Vitae, & psychologist's 8-page Curriculum Vitae not included).....107

Appendix K* Affidavit of Ambrose Evans-Pritchard, November 30, 1999.....114

Appendix L* Affidavit of Patrick Knowlton, June 21, 1999.....120

Appendix M* Affidavit of John Clarke, June 21, 1999.....121

Appendix N: Companion case orders.....122

Appendix N-1: UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT, *Division 94-1 for the Purpose of Appointing Independent Counsels*
Motions of Patrick Knowlton

September 26, 1997: Order granting motion for inclusion of Knowlton's 20-page submission in the OIC's Appendix to its Report on the Death of Vincent W. Foster. Jr.....122

September 30, 1997: Order denying OIC's motion to reconsider the Order for inclusion of Knowlton's submission in the OIC's Appendix to the OIC's Report on the Death.....123

September 14, 1999: Order dismissing for lack of jurisdiction:

(1) Leave to amend Comments and Factual information included in the Appendix to the OIC's Report on the Death;

(2) To compel the OIC to produce grand jury minutes;
(3) To present evidence to the grand jury:
1. Comments and Factual information proposed to be an Appendix to the OIC's interim report, and
2. Grand jury minutes
(4) Same Order granting unsealing of "Motions and all documents filed therewith, as well as the 'Notice of Service and Filing' filed on August 30".....124

Appendix N-2: IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Alexandria Division UNDER SEAL.....125

Appendix N-3: UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA Knowlton v. United States et al., CA 96-2467

September 9, 1999: Order:
(1) Denying plaintiff's October, 1998, motion for leave to amend complaint,
(2) Granting defendants' motions for summary judgment.....128

November 29, 1999: Memorandum Order denying plaintiff's Rule 59(e) motion to alter or amend judgment.....129

Appendix N-4: UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT Knowlton v. Alouri, et al., No. 99-5433 (CA 96-2467)

June 27, 2000: Order granting appellees' motions for summary affirmance.....132

September 13, 2000: Order denying appellant's petition for hearing and petition for hearing *en banc*.....134

Appendix O: Text of statutes.....134

Appendix O-1: The Ethics in Government Act of 1978, As Amended, 28 U.S.C. §§ 591-599 (1994).....135

Appendix O-2: Special Grand Jury, Chapter 216, 18 U.S.C. §§ 3331, 3332, Summoning and term; Powers and duties.....138

Appendix O-3: Witness Tampering, 18 U.S.C. § 1512.....140

Appendix O-4: Conspiracy to interfere with civil rights, 42 U.S.C. § 1985 (2).....141

Appendix O-5: Rule 6 (e) of the Federal Rules of Criminal Procedure.....142

Appendix P: Two newspaper articles alleged to contain information in violation of Rule 6 of the Federal Rules of Criminal Procedure

Appendix P-1* January 6, 1995, *Scripps Howard News Service*, "Nothing new on Foster, sources say Starr backing Fiske on depression suicide".....143

Appendix P-2* February 22, 1995, *The Wall Street Journal*, "Capital Secret: There may be less to Whitewater than meets the eye".....145

Appendix Q* IN RE GRAND JURY Misc. No. 0036 (NHJ) – UNDER SEAL

VOLUME II

Appendix A* Proposed amended Appendix to the OIC's interim July 15, 1997, Report on the Death of Vincent W. Foster, Jr., June 23, 1999, 540 pages.....1

Summary of contents.....3

Table of contents.....27

Endnotes.....483

Note 32, Correspondence with Congress...520

Appendix B: List of exhibits to proposed amended Appendix to the OIC's interim July 15, 1997, Report on the Death of Vincent W. Foster, Jr., June 23, 1999.....541-561

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Appendix B
UNDER SEAL
District Court Order entered on July 20, 2000 (NHJ)

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Appendix C
Appendix to the OIC's interim July 15, 1997, Report on the Death of Vincent W. Foster, Jr., September 23, 1997

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September 23, 1997

The Honorable David B. Sentelle
The Honorable John C. Butzner
The Honorable Peter T. Fay
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT
Division 94-1 for the Purpose of
Appointing Independent Counsels

Re: *In re: Madison Guaranty Savings & Loan Association*
Patrick James Knowlton -
Request to include comments and factual information, pursuant to the Ethics in Government Act of 1978, As Amended, to the Report on the Death of Vincent Foster, Jr.

Dear Sirs:

Pursuant to 28 U.S.C. § 594(h)(2), Patrick Knowlton respectfully requests that this letter be appended to Mr. Starr's Report of the Death of Vincent Foster, Jr., "[t]o assure that the report is full and complete and to afford [him] a measure of fairness."[1]

[1] In re North, 10 F.3rd 831, 835 (D.C. Cir. 1993).

Facts. While heading home in heavy traffic on the George Washington Memorial Parkway, and facing over a two hour commute, Patrick Knowlton pulled into Fort Marcy Park at 4:30 p.m. on July 20th, 1993, to relieve himself. Patrick parked close to the main footpath entrance into the park, between the only two cars in the small parking lot, which were parked just four spaces apart.

To Patrick's left was parked an unoccupied mid-1980s rust-brown four-door Honda sedan with Arkansas tags (closest to the footpath entrance), and on his right was a late model metallic blue-gray sedan, backed into its parking space. A man was seated in the driver's seat of the blue-gray sedan. Immediately after Patrick parked, the man lowered the passenger side electric window and stared at him, menacingly. This unnerved Patrick as he exited his car.

As he started from his car toward the footpath, Patrick heard the blue-gray sedan's door open. Apprehensive, Patrick walked to the sign bordering the footpath entrance to the park and feigned to read its historical information while nonchalantly glancing to his right to see if the man was approaching. He saw the man leaning on the roof of the driver's side of his blue-gray sedan, watching him intently. Patrick then cautiously proceeded 75 feet down the footpath's left fork to the first large tree, in the opposite direction from which Mr. Foster's body was later recovered.

As he relieved himself, Patrick heard the man close his car door. Because the foliage was dense, he couldn't see the parking lot and hoped the man wasn't approaching. As Patrick walked back to the parking lot with a heightened sense of awareness, he scanned the lot but did not see the man. Patrick surmised that the man had either gotten back in his car or perhaps could even be crouching between the brown Honda and Patrick's car preparing to attack him.

In order to maintain his distance from the space between the two cars until he learned the man's whereabouts, Patrick walked directly toward the driver's side door of the brown Honda, and then around the back of it. As Patrick reached the driver's side door of the brown Honda, he looked through the window. He also looked into the back seat as he walked the length of the car. He saw a dark

colored suit jacket draped over the driver's seat, a briefcase on the front passenger's seat, and two bottles of wine cooler on the back seat. As he reached the back of the Honda, Patrick was relieved to see that the man had returned to his own vehicle. The man was still staring fixedly at him.

Of the five things Patrick witnessed at the park ((1) the man and his car, (2) the suit jacket, (3) the briefcase, (4) the wine cooler, and (5) the mid-1980s Arkansas brown Honda), the Honda itself is the most relevant. It was not Mr. Foster's car. When Mr. Foster's body was discovered approximately 70 minutes after Patrick had left the park, Mr. Foster had been dead for well over 70 minutes. Mr. Foster therefore could not have driven to the park in his Honda, as claimed in the government Reports on the death.

The following evening, Patrick saw on the news for the first time that Vincent Foster had been found dead at Fort Marcy Park, so he telephoned the U.S. Park Police and reported what he had seen. Nine months later, FBI Special Agent Larry Monroe interviewed him. Monroe subsequently wrote in his reports of those interviews that Patrick "identified this particular vehicle [Honda] as a 1988-1990...," and that Patrick "reiterated his description of this Honda as a 1988-1990." This information was false and known to be false.[2]

Eighteen months later, in October of 1995, Patrick was provided a copy of his then publicly-available FBI interview reports by a reporter for a London newspaper. He realized for the first time that Monroe had falsified his account of the car and other facts he had recounted during his FBI interviews. His true account, along

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[2] Monroe tried for hours to get Patrick to admit that the Foster's 1989 silver-gray Honda "could have been" the car Patrick saw. Patrick steadfastly responded, "No," repeating the description he had provided to the Park Police by telephone. Monroe falsified his interview report, writing that Patrick had "identified" the Honda as a "1988-1990," despite the fact that during his second FBI interview, Patrick had picked out the same color he had seen on the mid-1980s Honda from the "browns" section of the car color panels in the FBI laboratory, and that color corresponded to one available only on 1983 and 1984 Hondas.

with the contradictory information from his FBI interview reports, was reported in the London newspaper on Sunday, October 22, 1995.

Two days later, on Tuesday, October 24, the paper reached American newsstands. That day, Mr. Starr's office prepared a subpoena summoning Patrick to testify before the Whitewater grand jury in this courthouse on November 1, 1995. Two days after that, Thursday, October 26, FBI agent Russell Bransford served the secret grand jury subpoena.[3]

Beginning that same day he was subpoenaed, and continuing into the following day, Patrick was harassed by at least 25 men. The intimidation began at around 7:20 p.m., when Patrick and his girlfriend, Kathy, walked from his home in the Foggy Bottom neighborhood to the Dupont Circle neighborhood, and back. During that time, eleven or more men walked towards him, or came at him from behind. Each man directed a constant threatening glare into Patrick's eyes.

Most of these incidents happened in a rapid and coordinated fashion, so that before one man departed, another was approaching. It is difficult to convey the cumulative effect on the target of this technique of intimidation. Kathy, a Ph.D. consultant and educator, stated in her affidavit that at one point she had to "struggle to keep from crying"[4] and that she "had never witnessed anything like this before or since. It was intentional, coordinated, intimidating, and extremely unnerving."

Experts tell us that the technique is known to federal intelligence and investigative agencies, and that its objects were twofold: (i) to intimidate and warn Patrick in connection with his

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[3] Agent Bransford had been detailed to regulatory Independent Counsel Fiske's investigation, where he worked with Agent Monroe. Bransford told Patrick he had been "kept on under Starr."

[4] Kathy struggled to maintain her composure when she and Patrick began to cross Connecticut Avenue to escape from the sixth, seventh and eighth men, whereupon they noticed the ninth man standing on the corner of R Street and Connecticut Avenue, awaiting their approach while staring directly at Patrick.

grand jury testimony; and failing that, (ii) to destabilize him and discredit his testimony before the grand jury.

It worked.[5]

Investigations by U.S. Park Police & regulatory Office of Independent Counsel ("OIC") Robert Fiske. The investigation under the auspices of regulatory OIC under Mr. Fiske was little more than an FBI investigation.[6] Publicly-available official federal government records demonstrate that throughout the 16 day U.S. Park Police investigation into the case, FBI participation was significant.[7] Therefore, prior to Mr. Starr's appointment to head the

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5 Prior to Patrick's appearance, OIC prosecutors had been fully apprised by counsel of Patrick's reports of being harassed by 25 or more men. They clearly appeared not to believe Patrick's bizarre account of having been harassed, at one point asking him to *"tell us about the alleged harassment,"* nor did Starr's deputies appear to believe much of anything Patrick had to say.

6 That the Fiske Report is for the most part little more than a summary of an FBI investigation is clear from the following excerpt appearing on page two of the Fiske Report: *"The Federal Bureau of Investigation ('FBI') provided substantial and invaluable support in this investigation. The FBI assigned seven experienced agents to the Independent Counsel's Washington office, all of whom have worked exclusively with this office for approximately the last four months."* When the Senate Committee on Banking, Housing and Urban Affairs conducted its day and a half hearing in 1994, it was not Mr. Fiske who appeared to defend the Fiske Report, but rather FBI agents Larry Monroe and William Colombell, both of whom conducted Patrick's FBI interviews.

7 At his June 30, 1995 deposition, FBI agent Scott Salter testified that on July 21 he and FBI Agent Dennis Condon were summoned to the White House by FBI Agent John Dana: *"called us in my car and told us to go to the southwest gate of the White House and meet him there and that we were to, that we were going to be working on a death investigation involving Mr. Foster's death."* On July 21, FBI Agents met with Messrs. Nussbaum, Neuwirth and Sloan to discuss the search of Mr. Foster's office and FBI agents were present the next day during the office search. At a press conference given on August 10, 1993, Deputy Attorney

statutory OIC in August of 1994, the only substantive investigations into the case, with the sole exception of the U.S. Park Police investigation (conducted with FBI participation), were conducted by

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General Philip Heymann said, *"The FBI joined the Park Police in the initial stages of the inquiry into Vince Foster's death... [and] the FBI has been assisting in that investigation..."* Robert Bryant, Special Agent in Charge of the FBI's Washington Metropolitan Field Office said at the press conference, "*We [FBI] followed this case from the time we were notified until we were basically of the opinion, along with Chief Langston's staff, that this was a suicide."* At his 6/30/95 deposition, Agent Salter was handed a memorandum and asked to identify it. He responded, *"it's basically a summary of events from the 21st through the conclusion of, through August 4th or 6th or whatever it was, through the conclusion of the investigation that we did."* Department of Interior Chief of Staff Thomas Collier testified on deposition (6/23/95) that *"the FBI and the Park Police ended up working on this kind of hand in glove."*

Agent Salter in his 6/30/95 deposition explained the FBI's function was to interview witnesses along with the USPP (from 7/20 thru 8/5), *"We were there to assist them in conducting the investigation which meant interviewing co-workers [and] ...then proceed as the investigation, you know, called for."* USSS Agent Paul Imbordino, in response to the question at his 6/22/95 deposition *"Who conducted the interviews?,"* answered *"Park Police and FBI."* During the (7/20 thru 8/5) USPP investigation, FBI agents interviewed over a dozen persons regarding events immediately following Mr. Foster's death.

A U.S. Secret Service memorandum indicates that FBI's active participation included removal of evidence from Mr. Foster's desk. A USSS officer relates in a memorandum to his boss that he was told on July 31 of 1993: (1) by an FBI agent that *"[the agent]... and some other agents (five) were working on the Foster suicide... working... leads on some info they had received..."*; and (2) by another USSS officer "*that the FBI had removed evidence from Mr. Foster's desk..."* The FBI's participation apparently did not end on August 5. At the August 10, 1993 press conference, Mr. Heymann said he had "*received an FBI report this morning...*", four days after the case the was officially closed.

the FBI.[8] The publicly-available federal government record upon which the Fiske Report is based is replete with evidence that the FBI concealed the true facts surrounding Mr. Foster's death.[9]

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[8] There have been no other official investigations. The 1994 Senate Banking committee was precluded by the limited scope of Resolution 229 from independently exploring of the issue of how or where Mr. Foster died ("whether improper conduct occurred regarding... the Park Service Police investigation into the death..."). Mr. Clinger did not investigate and Senator D'Amato's Committee did not explored these issues.

[9] Much evidence of obstruction of justice by the FBI is documented in Patrick's lawsuit in this District Court (No. 96-2467) for *inter alia,* violation of 42 U.S.C. § 1985(2), *"...Obstructing justice; intimidating... witness...":* "...(3) The FBI concealed... irregularities... during the U.S. Park Police investigation; (4) ...more than two cars in the parking lot; (5) ...deceptively omitted the fact that Foster's car keys were not found at Fort Marcy Park...; (6)...concealed that Mr. Foster's briefcase vanished from the Honda...; (8)...concealed that an automatic pistol was found in Mr. Foster's hand before the revolver...; (9) The FBI ignored forensic evidence...; (10) The wound... [and] blood... is not consistent with... a point blank shot...; (11) The FBI concealed that... a branch [was] lying across Mr. Foster's body; (12) The FBI ignored that the absence of soil on Mr. Foster's shoes is inconsistent with... to where he was... found; (13)... inconceivable for the glasses to have been thrown or bounced...; (15)...taking medication for depression but he was not; (16)...concealed ...doctor opined... Foster was not depressed; (17) The FBI falsely reported that those close... said he was deeply depressed; (20) The FBI lab reported...'suicide note' [authentic]..., but it was forged." See also attached: Exhibit 1: (i) Map of the cars in the Fort Marcy lot and Patrick's route to and from his car; & (ii) Timeline. Exhibit 2: Map depicting the harassment Patrick suffered. Exhibit 3: The FBI knew that Mrs. Foster could identify only a silver gun, so FBI agents showed her a silver gun, told her it was found in Mr. Foster's hand, and falsely reported that she identified the (black) gun found in Mr. Foster's hand as belonging to Mr. Foster. Exhibit 4: The FBI concealed that Mr. Foster's car was not in the Fort Marcy lot by the time he was dead. Exhibit 5: The FBI concealed the gunshot wound in Mr. Foster's neck by: (i) concealing the contents of the Medical Examiner's Report which states that there was a gunshot wound in Mr. Foster's neck; (ii) falsely reporting that the 35 mm photographs

The Fiske Report correctly states at page 39 that upon Mr. Foster's death, "the FBI would have had primary investigative jurisdiction if the circumstances fell within... the United States Code Section... [which] makes it a federal crime to... kill... a specified number of persons... appointed by the President... [and that the statute mandates that] violations shall be investigated by the FBI." If Mr. Foster's death is ever ruled a homicide, the FBI will necessarily have violated the law simply by virtue of its having failed to exercise primary jurisdiction. The Fiske Report excuses the FBI's failure to take the case (relegating the investigation ostensibly only to the U.S. Park Police) "based on a preliminary inquiry by the FBI which failed to indicate criminal activity."

The OIC's investigation. The fundamental purposes of our Ethics in Government Act are (1) to ensure that justice has been done and (2) to preserve and promote public confidence in the integrity of the federal government by maintaining the appearance that justice has been done.[10] In light of (1) the FBI's statutory mandate to exercise primary jurisdiction in July of 1993 in the event of foul play, (2) two prior FBI findings of no criminal activity, and (3) evidence of a cover-up by the FBI already in the public domain, the OIC's use of the FBI in this matter undermines both purposes of the Act. No OIC can fulfill its mandate to preserve and protect the appearance of justice having been done when its investigation

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were unclear; (iii) concealing that Polaroid photographs vanished; and (iv) concealing that autopsy x-rays vanished.

10 See 139 CONG. REC. S15846-01, S15847-01 & S15850-01 (daily ed, Nov. 17, 1993), statement of Sen. Cohen: "[W]here an investigation has been conducted by the Justice Department... questions have remained. They say, "Well, was it really an independent investigation or was it a cover-up, a whitewash?"... The law, however, serves two ends, both equally important in our democratic society. One is that justice be done, and the other is that it appear to be done." See also (daily ed, Nov. 17, 1993), statement of Sen. Levin: "Here is what the American Bar Association said in its letter of November 17. 'As noted above, the principle underlying statute is that an independent counsel may be needed when there may be a conflict of interest in having the Department of Justice carry out a particular investigation.."

employs the very agency it is designed to be independent from, the Justice Department.[11]

Upon review of those excerpts of the Report provided by the OIC, it is manifest that the Report omits the information Patrick provided which refutes the FBI's repeated official conclusion of suicide in the park. Even though our review is limited by the fact that we were provided only the passages reprinted below and so the context is unclear, it is apparent that the Report also omits evidence Patrick provided which indicates that the FBI obstructed justice in this matter.

For example, the Report's first reference notes that at 4:30 p.m., Patrick saw in the Fort Marcy lot a rust-brown Honda with Arkansas license plates. Although this information is correct, it deceptively omits that Patrick is certain that this older car was not Mr. Foster's 1989 silver-gray colored car. Forensic evidence strongly indicates that Mr. Foster was dead by the time Patrick was in the park. Therefore, Mr. Foster could not have driven to the park in his Honda.[12]

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11 Under the Act, the OIC's use of the FBI is free, tempting the OIC to create a microcosm of the DOJ. (See Act of Dec. 15th 1987, Pub. L. No. 100-191, 1987 U.S.C.C.A.N. (101 Stat. 1293) p. 2172: "Congress intended the Justice Department to provide independent counsels with the same assistance it provides to its other high-priority, federal criminal cases... federal agencies are instruc- ted to discontinue... requiring reimbursement agreements..."

12 See Exhibit 4. A USPP report notes that the autopsy doctor estimated that Mr. Foster died "2-3 hours" after having eaten "large meal" "which might have been meat and potatoes." Several people reported that Mr. Foster had finished his lunch of a cheeseburger and French fries by 1:00 p.m., therefore putting the time of death between 3:00 and 4:00 p.m. Also, the paramedic in his Incident Report estimates that based upon the "pooling of blood in the extremities," Mr. Foster had been dead "2-4 hrs" at 6:10 p.m., putting the time of death between approximately 2:00 and 4:00 p.m. Because Patrick saw an Arkansas car at 4:30 p.m. which was not Mr. Foster's, parked in the same space where Mr. Foster's car was later found, Mr. Foster could not have driven to the park. Also, the descriptions of this older car (the only car in the lot)

Page 21 of the OIC's Report:
Another citizen (C2) drove his rental car into Fort Marcy parking lot at approximately 4:30 p.m. While there, C2 saw one unoccupied car which he describes as a "Rust brown colored car with Arkansas license plates."[35] C2 also saw another nearby car; that was occupied by a man who exited his car as C2 exited his own car.[36] C2 described this man as having "as look like he had a — an agenda, although everything I based my observation of this guy, was from the gut," "more than anything else.:" C2 and the man did not speak to one another.

[35] OIC 11/1/95 at 22, 28
[36] Id at 25
[37] Id at 27, 62
[38] Id at 61-62

This first passage also notes that the other car in the lot was occupied by a man who exited his car as Patrick exited his own car (the man exited his car after Patrick walked toward the park). The excerpt omits any other details of the man's behavior. Mr. Foster's body was located about 700 feet away from the area where: (1) the man's car was backed in to its parking spot giving him full view of the driveway leading into the lot; (2) the man gave Patrick a menacing stare; and (3) the man returned to his own car only when Patrick chose to walk in the opposite direction from where Mr. Foster's body was found about 70 minutes later.

The Report goes on at page 22 to tell us that the "man had reentered his car by the time" Patrick had "returned to the parking lot," and at 69 that he saw "a man in a car next to him." We do not know of the context in which these passages appear.

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provided by the two other civilians who arrived at the park 40-55 minutes after Patrick left generally fits the description of the car Patrick saw, not Mr. Foster's car.

Page 22 of the OIC's Report:
went into the park to urinate, and the other man had reentered his car by the time C2 returned to the parking lot.[39] C2 then left the park in his car.[40]

[39] Id at 38
[40] Id at 61-62

Page 69 of the OIC's Report:

During the afternoon, before Park Police and FCFRD personnel were called to the scene at Fort Marcy Park, C2 saw a man in a car next to him;

Twenty pages later, the Report notes that Patrick "saw a briefcase" in the Arkansas car along with a "jacket... [and two] wine coolers." This statement again deceptively implies that the car was Mr. Foster's even though Mr. Foster's car reportedly did not contain wine coolers or a briefcase.

Page 89 of the OIC's Report:
C2 testified that he saw a briefcase — as well as wine coolers in a car with Arkansas plates that was parked in the parking lot. He stated: "I looked and saw the briefcase and saw the jacket, saw the wine coolers it was two of them. I remember exactly how they were laying in the back seat of the car."[274]

[274] C2 OIC, 11/1/95, at 34

This final passage omits that Patrick testified (and repeatedly told the FBI) exactly where these items were in the rust-brown Honda. The suit jacket Patrick saw in that car was draped over the back of the driver's seat. The suit jacket later found in Mr. Foster's car was folded and lying on the front passenger's seat.

Moreover, the Report's purported reliance on grand jury testimony[13] is an attempt to give the Report more credibility. Indeed, the catalyst for Patrick's grand jury testimony was the appearance in U.S. newsstands of the October 22nd issue of the *London Sunday Telegraph,* in which Ambrose Evans-Pritchard described Patrick's reaction when he was shown the FBI report of his interview with two FBI agents detailed to Mr. Fiske's probe. It was the first time Patrick had seen the report of the interview, which had been conducted eighteen months earlier. Pritchard wrote that Patrick "was stunned." Referring to the FBI's assertion that Patrick stated he "would be unable to recognize the man" he had seen at the park, Patrick is quoted as saying "That's an outright lie."

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[13] Patrick was not interviewed by Mr. Starr's FBI agents about events at Fort Marcy Park until December 1, a month after he testified. When Patrick testified on November 1, 1995, one OIC prosecutor failed to introduced himself, sat behind Patrick and passed notes to the other prosecutor who questioned him while resting his head on his hand, as if Patrick's testimony was little more than an annoyance. During the two and a half hours of testimony, Patrick was asked about what occurred at Fort Marcy Park and his prior statements to the FBI for about an hour. During the balance of the time, the prosecutor insinuated that Patrick was a liar, a homosexual, and a publicity hound. He was repeatedly asked: (1) to explain his relationship with the two men who lived in his Etlan, Virginia residence (a joint real estate venture); and (2) about his involvement with the press or anyone on Capitol Hill. He was also asked: (1) about the "alleged misquotes" in the FBI reports of his statements; (2) to describe the "alleged harassment;" (3) whether the man in the park passed him a note, pointed a gun at him, or touched him; (4) how many times he had been to Fort Marcy Park alone (the park is a reputed homosexual pick-up spot - unbeknownst to Patrick at the time); (5) why he called the police and didn't wait for the police to call him; and (6) sarcastically if he came forward because he is a "good citizen" and a "good Samaritan." When Patrick asked who had sent Agent Bransford to his home on October 30, 1995 (Bransford further intimidated him), the prosecutor seated behind him spoke for the first time, "We sent Bransford."

Pritchard's article also states:

> "They showed him a photograph of [Foster's] Honda... 'They went over it about 20 times, telling me that this was Foster's car,' said Knowlton. 'But I was quite adamant about it. I saw what I saw, and I wasn't going to change my story'... Starr's investigators have never talked to Knowlton. The federal grand jury has never summoned him to give sworn testimony."

On October 24, the same day that this newspaper reached U.S. newsstands, the OIC prepared a subpoena summoning Patrick to testify before the Whitewater grand jury. The secret grand jury subpoena was served two days later by an FBI agent who was formerly detailed to Mr. Fiske's probe, whereupon Patrick was harassed and intimidated by 25 or more men -- during which time the FBI ignored his repeated pleas for help. The Report omits all of this, even though Patrick submitted a report detailing the harassment to the OIC in March of 1996, which included reports of a polygraph examination, a psychiatric examination, witnesses' affidavits, photographs of two members of the harassment team and the names and addresses of two others.

Conclusion. Because Patrick did not heed the warning regarding his grand jury testimony and continued to tell the truth, including his account of the *bizarre* harassment he suffered, his testimony was discredited. Patrick was harassed in an effort to make him look unbalanced or dishonest. Since that time, he has been defamed by numerous individuals, most of whom are journalists. He has been attacked as a delusional conspiracy theorist, a homosexual, and as an outright liar. Patrick has been fighting to reestablish his credibility for the past two years. Patrick did nothing to deserve the outrageous treatment he received at the hands of the OIC and its FBI agents. He did nothing to deserve being yanked into this FBI debacle, having his life turned upside down, and having to endure this fight for his reputation. Patrick's only "crime" was reporting to the authorities what he had seen at Fort Marcy Park, consistent with his understanding of his duties as a good citizen.

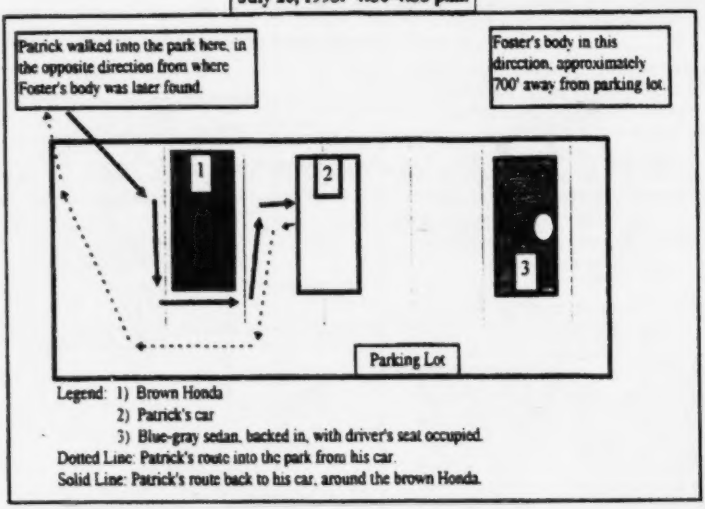
Patrick respectfully asks that the Division of the Court append this letter to the Independent Counsel's Report on the Death of Vincent Foster, Jr. to afford him a measure of fairness. A denial of this relief would augment the appearance of justice having not been done and would further frustrate legislative intent. Patrick should not have to go through the rest of his life labeled as a liar or some kind of nut. He has no remedy at law for injury to his reputation causally related to the subject investigations. Patrick Knowlton merely seeks to establish that he is telling the truth and that he is mentally stable.

Respectfully submitted,

/S/

John H. Clarke

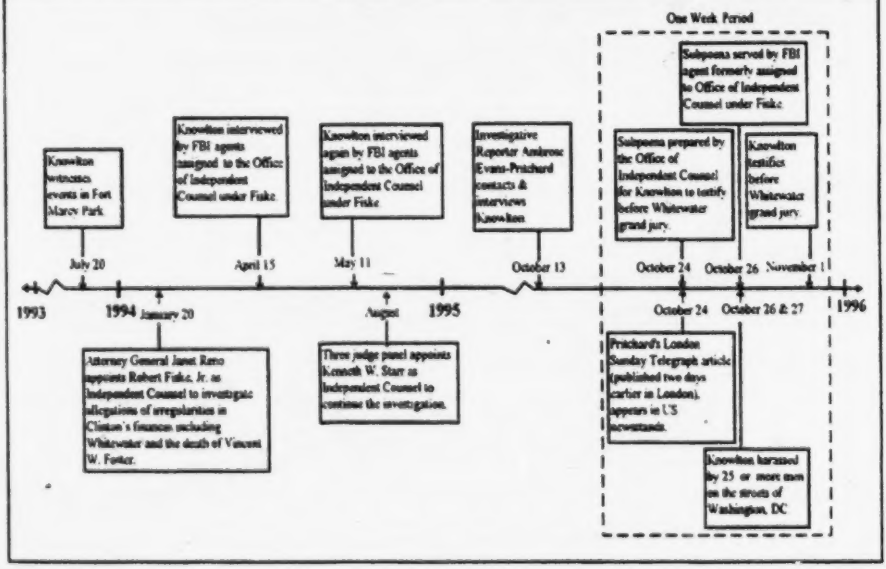
Fort Marcy Park
July 20, 1993. 4:30-4:35 p.m.



Legend: 1) Brown Honda
2) Patrick's car
3) Blue-gray sedan, backed in, with driver's seat occupied.
Dotted Line: Patrick's route into the park from his car.
Solid Line: Patrick's route back to his car, around the brown Honda.

EXHIBIT 1

TIMELINE



BEST AVAILABLE COPY

TEAM OF MEN WHO HARASSED PATRICK, NUMBERED IN THE LOCATION AND ORDER IN WHICH THEY WERE FIRST OBSERVED

During the course of the two days beginning the day FBI Agent Bransford served the secret grand jury subpoena, Patrick suffered the cumulative effect of intimidation by at least 25 men. They acted in a rapid and coordinated fashion, obviously working in tandem, employing the same *modus operandi* of continuously staring and following. Of the first 25 men, 23 appeared within five minutes of his predecessor; 13 approached before his predecessor had departed.

It is difficult to convey the cumulative effect on the target of this technique of intimidation. Patrick's girlfriend, Kathy, a Ph.D. consultant and educator, accompanied Patrick on the first day. She wrote in her affidavit that at one point she had to "struggle to keep from crying" and that she had "never witnessed anything like this before or since. It was intentional, coordinated, intimidating, and extremely unnerving."

Experts tell us that the technique is known to federal intelligence and investigative agencies, and that its objects were twofold: (i) to intimidate and warn Patrick in connection with his grand jury testimony; and failing that, (ii) to destabilize him and discredit his testimony before the grand jury.

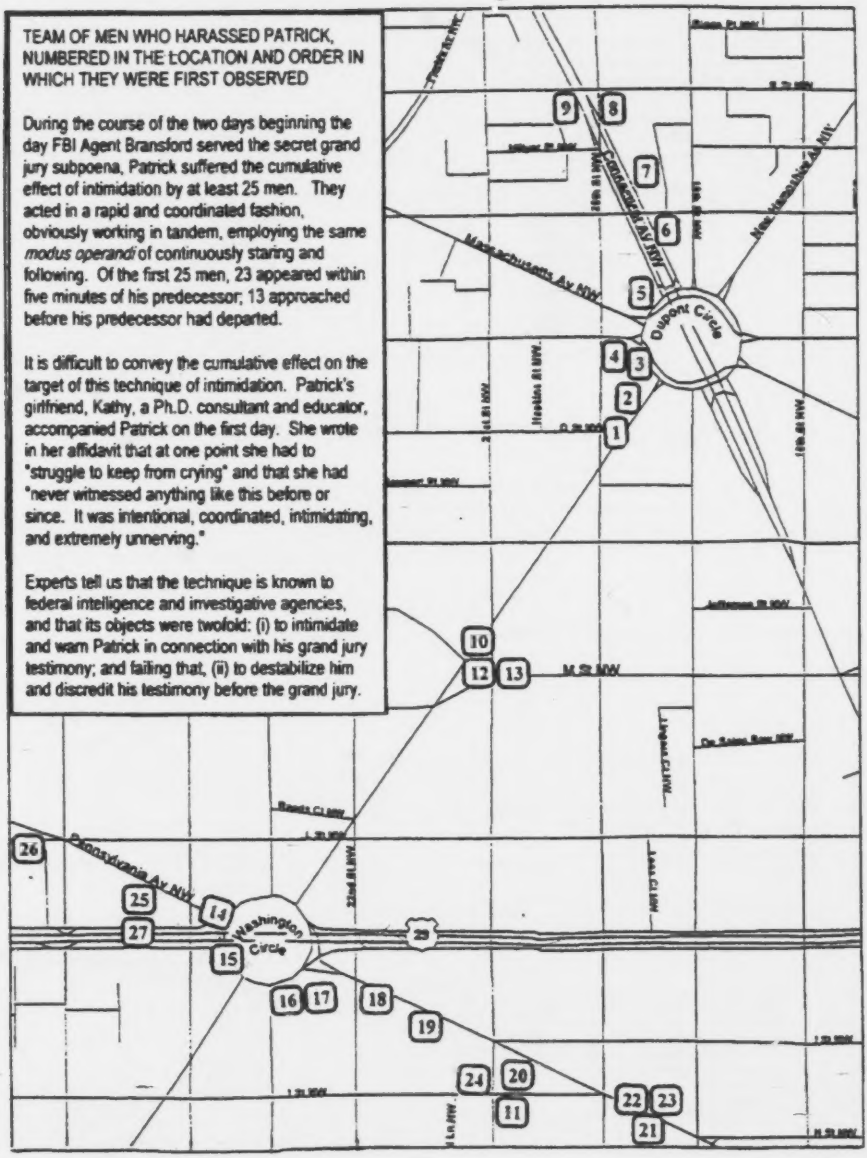


EXHIBIT 2

BEST AVAILA

US PARK POLICE REPORT. GUN FOUND IN MR. FOSTER'S HAND WAS BLACK.

UNITED STATES PARK POLICE

MOBILE CRIME LAB REPORT SUPPLEMENT

OFFENSE/INCIDENT: Death Investigation CASE NO: [illegible]

INCIDENT LOCATION: Ft. Marcy DATE: 7-20-93

were at his sides and the victim had his right hand on a black revolver. The right thumb

ID TECHNICIAN [illegible] DATE [illegible] SUPERVISOR [illegible] DATE 7/21/93

[illegible] 7-26-93

PHOTOGRAPHS OF BLACK GUN FOUND IN MR. FOSTER'S HAND AT FORT MARCY PARK.





US PARK POLICE HANDWRITTEN INTERVIEW NOTES. MRS. FOSTER UNABLE TO IDENTIFY BLACK GUN.

Not the gun she thought it must be. Silver, six-gun, large barrel.

Not the gun she thought
it must be. Silver, six-
gun, large barrel.

EXHIBIT 3

FBI INTERVIEW REPORT. FBI SHOWED MRS. FOSTER "SILVER" GUN "FOUND" AT FMP. SHE IDENTIFIED IT.

Continuation of FD-302 of ELIZABETH BRADEN FOSTER, On 5/9/94, Page 14

LISA FOSTER then examined a revolver which had been brought to the interview by the interviewing agents. FOSTER examined the revolver, which had also been found at Fort Marcy Park on July 20, 1993, and stated that she believed it may be a gun which she formerly saw in her residence in Little Rock, Arkansas.

may be the silver gun which she brought up with her other belongings when she permanently moved to Washington. LISA FOSTER

BLE COPY

USPP REPORT. INTERVIEW BY USPP & FBI OF ASSISTANT IN WHITE HOUSE COUNSEL'S OFFICE: MR. FOSTER ATE LUNCH OF "CHEESEBURGER" AND "FRENCH FRIES."

United States Park Police

Death Investigation

The first conversation she had with him was about lunch around 1200-1230 hours. He said he would eat at his desk. He ordered a medium rare cheeseburger, french fries and coke. She and Linda Tripp went to the cafeteria and ordered his lunch. She

FBI INTERVIEW REPORT. EXECUTIVE ASSISTANT IN WHITE HOUSE COUNSEL'S OFFICE: MR. FOSTER LEFT OFFICE SHORTLY AFTER 1:00 PM AFTER HE ATE LUNCH.

Continuation of FD-302 of Linda A. Tripp, On 4/12/94, Page 4

from work. When he left the office at shortly after 1:00PM he did not have anything with him. TRIPP did not know where he was going and it was not appropriate for her to ask him. He did not have any appointments noted on his office calendars or that anybody knew about.

USPP REPORT. DOCTOR WHO PERFORMED AUTOPSY SAID EATEN "MEAT AND POTATOES" "2-3 HOURS PRIOR TO DEATH."

SUPPLEMENTAL CRIMINAL INCIDENT RECORD

GSSP Ft. Marcy

Dr. Byer stated that it appeared that the victim had eaten a "large" meal which he believed to have occurred within 2-3 hours prior to death. He was unable to state positively what type of food was consumed but stated the it might have been meat and potatoes.

PARAMEDIC'S INCIDENT REPORT. AT 6:10 PM "HAD BEEN DEAD APPROX 2-4 HRS."

This is certified a true copy of the actual field incident report in possession of the Fairfax County Fire and Rescue Department
Signed [redacted]
Date 7-19-94

EXHIBIT
4
Page 1 of 2 pages

NARRATIVE REPORT	NARRATIVE REPORT
[redacted]	INCIDENT # R32011315 UNIT M01 SUPP02 SITF 801 07/20/93
[redacted] POOLING OF BLOOD IN THE EXTREMITIES. PT HAD BEEN DEAD APPROX. 2 [redacted] PT HAD A WEAPON IN HIS RIGHTHAND	HAD SET IN. POOLING OF BLOOD IN THE EXTEMITIES. PT HAD BEEN DEAD APPROX 2-4 HRS. PT HAD A WEAPON IN HIS-RIGHTHAND

FBI REPORTS OF INTERVIEWS WITH PATRICK AND TWO OTHER CIVILIAN PARK WITNESSES

PATRICK ARRIVED 4:30 PM. CAR "BROWN... HONDA WITH ARKANSAS PLATE"

parking area, he immediately noticed an unoccupied vehicle parked front end in facing the park in one of the first parking slots on the left-hand side. He identified this particular vehicle as a 1988-1990 brown or rusty brown in color Honda with Arkansas plates. He stated that he could not remember whether this vehicle was a two door or four door sedan and outside of the

MALE SAYS HE AND FEMALE ARRIVED AROUND 5:00 P.M. CAR "BROWNISH."

They arrived at Fort Marcy Park at approximately 5:00 p.m. As they drove into the parking lot, he observed a vehicle, possibly a small station wagon or "hatchback" model, brownish in color, parked to his left. The vehicle was parked close to the path leading up to Fort Marcy, with the front of the car pulled

FEMALE SAYS THEY ARRIVED BETWEEN 5:15 & 5:30 PM. CAR "MID-1980s."

Marcy Park in her white Nissan , arriving at Fort Marcy Park sometime between 5:15 and 5:30 p.m. To the best of her recollection, she maintained that upon entering the parking lot at Fort Marcy Park, she noted that the only vehicle in the parking area was a relatively old (mid-1980's) Honda possibly a Honda Accord, either tan or dark in color, parked close to the entry of the parking lot, adjacent to a path leading to the Northern section of the park. believed that this particular Honda was parked with the front of the vehicle facing the park area and to the best of her recollection, believes a

SWORN TESTIMONY OF PATRICK KNOWLTON (ARRIVED FMP 4:30 PM)

REGARDING: VINCENT FOSTER. SWORN STATEMENT OF PATRICK KNOWLTON
PRESENT: CONGRESSMAN DAN BURTON KEVIN BINGER JOHN CLARKE

14	THERE WAS TWO VEHICLES IN THE PARKING LOT -- ONE WAS A
15	BROWN, RUST-BROWN COLORED HONDA WITH ARKANSAS LICENSE
16	PLATES. IT WAS AN OLDER VEHICLE.
19	SUGGESTED TO ME THAT THAT WAS THE AGE OF IT, AND, WHEN HE
20	SHOWED ME THE PICTURES OF A CAR THAT WAS AN '88 OR A '90, I
21	SAID, NO. IT IS, OBVIOUSLY, AN OLDER CAR. THE CAR THAT
22	YOU ARE SHOWING ME THE PICTURE OF IS TOO NEW.

EXHIBIT
4
Page 2 of 2 pages

REPORT... BY MEDICAL EXAMINER. *"NARRATIVE SUMMARY..."* STATES *"...GUNSHOT WOUND MOUTH TO NECK..."* DISCOVERED JULY 17, 1997 AT NATIONAL ARCHIVES.

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH
OFFICE OF THE CHIEF MEDICAL EXAMINER
NORTHERN VIRGINIA DISTRICT
9797 BRADDOCK ROAD
SUITE 100
FAIRFAX, VA 22032-1720
PHONE (703) 764-4640

Resident ☐
Nonresident ☒ Washington D.C.
Jan 15,1945

REPORT OF INVESTIGATION BY MEDICAL EXAMINER

DECEDENT Vincent W alker FOSTER Jr AGE: 48 RACE: Cauc SEX: male

NARRATIVE SUMMARY OF CIRCUMSTANCES SURROUNDING DEATH:

JULY 20,1993 After anonymous call was received at 18:04 hours US Park Police officers found 48 yrs Caucasian male with self-inflicted gunshot wound mouth to neck on a foot path in Marcey Park .His car was parked in the parking lot but no note was found.

MEDICAL HISTORY Unknown

I hereby declare that after receiving notice of the death described herein I took charge of the body and made inquiries regarding the cause and manner of death in accordance with the Code of Virginia as amended; and that the information contained herein regarding such death is correct to the best of my knowledge and belief.

July 20,1993 — Date
Fairfax County — City or County of Appointment
Signature of Medical Examiner

DEPOSITION OF PARAMEDIC. SAW BULLET HOLE IN NECK.

DEPOSITION OF RICHARD M. ARTHUR
IN RE: S. RES. 229

THURSDAY, JULY 14, 1994

U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
Washington, DC.

Deposition of RICHARD M. ARTHUR, called for exam-

19 Q Where was the blood coming from?
20 A To me, it looked like there was a bullet hole
21 right here.
22 Q In the neck?

24

1 A Yes, right around the jawline.

EXHIBIT 5 Page 1 of 4 pages

FISKE REPORT. DISMISSES BULLET WOUND IN NECK BASED ON PHOTOGRAPHS AND AUTOPSY.

Report of the
Independent Counsel

Arthur believed he saw a bullet wound in the right side of Foster's neck. These wounds did not exist. The autopsy results, the photographs taken at the scene, and the observations made by Park Police investigators conclusively show that there were no such wounds.

FBI LABORATORY REPORT. EFFORTS TO ENHANCE 35MM PHOTOGRAPHS TO MAXIMUM IMAGE PRODUCED LIMITED DETAIL.

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

PHOTOGRAPHIC:

The 35mm color negatives (Q32) were examined to locate frames for photographic enhancement. The selected frames (5, 6, 7, 8, 9, 10, 17, 18) were printed using Kodak Ultra print paper to produce maximum image detail. Due to the negatives having been underexposed during the photographic process, limited detail could be extracted from each of the selected frames.

USPP WHO TOOK 35 MM PHOTOGRAPHS TESTIFIED THESE PHOTOGRAPHS "LOOKED GOOD."

DEPOSITION OF PETER J. SIMONELLO

U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
Washington, DC.

Deposition of PETER J. SIMONELLO, called for exam-

Q Have you subsequently become aware of any information that would contradict anything in your report?
A The only thing I read in there that I was wondering about is they said my 35 millimeter roll of film was overexposed and they weren't able to get any prints from it. But I recall that I was in the office there when they took a statement from me that day. I guess that was that date in May, and they showed me some 8-by-10 color photographs, and they indicated they were able to, in fact, enhance the photographs which I took, and I saw several of those 8-by-10s and I commented on what a good job they did because they looked good to me. They didn't look underexposed. They were able to enhance them and in the report they indicate they were not able to get anything from them.

EXHIBIT
5
Page 2
of 4 pages

DEPOSITION OF USPP WHO TOOK POLAROID PHOTOGRAPHS. "BACKSIDE" PHOTOS VANISHED.

DEPOSITION OF JOHN C. ROLLA

U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
Washington, DC.

Deposition of JOHN C. ROLLA, called for examination

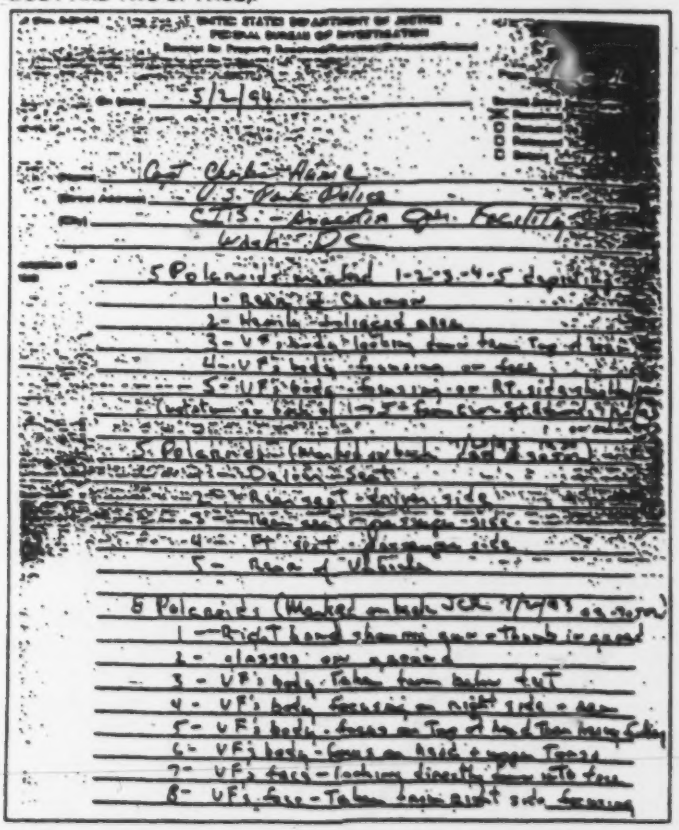
A I think I had more than one packet. I don't think I took more than one. There's only 10 in a pack. I may have reloaded because I know I took some on the backside. I don't have those photos, I put them in a jacket. God knows how many people looked through those, and I don't know what happened.

FBI INTERVIEW REPORT [illegible]P FERSTL TOOK APPROXIMAT[illegible] POLAROID PHOTOGRAPHS.

[illegible] FRANZ JOSEF FERSTL, On 3/3/94, Page 2
let. FERSTL advised that he also took several polaroid photos of the crime scene, adding that he is not sure if he did the photography or taping first. He stated that to the best of his recollection, on returning a second time to the death scene, the body appeared to be in the identical position it was when he first observed it.
FERSTL stated that to the best of his recollection, he took approximately seven photos; he cannot recall if he initialed

FBI REPORT FOR RECEIPT OF POLAROIDS: FIRST SET OF FIVE POLAROIDS OF BODY SITE TAKEN BY USPP EDWARDS; SECOND SET OF FIVE POLAROIDS OF CAR TAKEN BY USPP BRAUN; THIRD SET OF EIGHT POLAROIDS OF BODY SITE TAKEN BY USPP ROLLA.

ALL OF FERSTL'S "APPROXIMATELY SEVEN" POLAROIDS VANISHED, AND ROLLA'S "BACKSIDE" POLAROIDS VANISHED – ONLY NINE USABLE PHOTOGRAPHS OF BODY OFFICIALLY EXIST (SEVEN OF BODY AND TWO OF FACE).


UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

5/2/94

Capt Clarke Rollo
U.S. Park Police
CIB - Anacostia Op. Facility
Wash DC

5 Polaroids received 1-2-3-4-5 depicting
1- Rear of Camaro
2- Hands - bilogged area
3- VF's body - looking down from Top of head
4- VF's body - focusing on face
5- VF's body - focusing on RT. side of head

5 Polaroids (Marked on back JCR 5/2/94 as follows)
1- Right hand showing gun & Thumb in guard
2- closeup on wound
3- VF's body, Taken from below feet
4- VF's body, focusing on right side - head
5- VF's body, focus on Top of head Then leaving body
6- VF's body - focus on head & upper Torso
7- VF's face - looking directly down into face
8- VF's face - Taken from Right side focusing

EXHIBIT
5
Page 3
of 4 pages

AUTOPSY REPORT. X-RAYS TAKEN:

OFFICE OF THE CHIEF MEDICAL EXAMINER

REPORT OF AUTOPSY

Photographs made: Yes ✓ No ____ X-rays made: Yes ✓ No ____

Examined by: [signature] Date: 3-21-93

US PARK POLICE REPORT. X-RAYS READABLE:

SUPPLEMENTAL CRIMINAL INCIDENT RECORD

OCC Ft. Story

0 7 2 9 3 9 3 0 3 0 1 0 2

head. Dr. Gray stated that X-rays indicated that there was no evidence of bullet fragments in the head.

AFFIDAVIT. X-RAY MACHINE FUNCTIONING PROPERLY:

AFFIDAVIT

I. I am Reed J. Irvine, Chairman of Accuracy in Media, Inc.,

Virginia Beach, Va. I succeeded in located the technician who was responsible for installing and servicing this machine, Mr. Jesse Poor. Mr. Poor denied that there had been any trouble with the machine, which he had installed in June 1993. He checked his records and reported that the machine was installed on June 15, 1993 and that the first service call was on Oct. 29, 1993 to make an adjustment to make the pictures darker.

FISKE REPORT. X-RAY MACHINE INOPERABLE SO NO X-RAYS TAKEN:

Report of the
Independent Counsel

* The office X-ray machine was inoperable at the time of Foster's autopsy, and as a result no X-rays were taken.

EXHIBIT 5 Page 4 of 4 pages

Appendix D
Second Amended Complaint (verified), October 21, 1998, Knowlton v. Edwards et al., United States District Court for the District of Columbia, Civil Action No. 96-2467

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PATRICK JAMES KNOWLTON 2424 Pennsylvania Avenue, NW Washington, DC 20037, Plaintiff, v. ROBERT EDWARDS, Sergeant, retired United States Park Police Last known address: Park Police, Second District 7300 MacArthur Boulevard Glen Echo, Maryland 20812, and JAMES C. BEYER Deputy Chief Medical Examiner Northern Virginia District 9787 Braddock Road Suite 100 Fairfax, Virginia 22032, and JOHN DOE PATHOLOGIST Assistant to Deputy Chief Medical Examiner Identity & address unknown,	)	CA 96-2467 (JGP)

and)
)
ROBERT F. BRYANT,)
Deputy Director,)
Federal Bureau of Investigation)
J. Edgar Hoover Building)
10th & Pennsylvania Avenue, NW)
Washington, DC 20001,)
)
and)
)
LAWRENCE MONROE)
Special Agent, retired)
Federal Bureau of Investigation)
8128 Blandsford Drive)
Manassas, Virginia 22110,)
)
and)
)
SCOTT JEFFREY BICKETT)
Address unknown,)
)
and)
)
JOHN DOE FBI LABORATORY TECHNICIAN)
Federal Bureau of Investigation)
J. Edgar Hoover Building)
10th & Pennsylvania Avenue, NW)
Washington, DC 20001,)
)
and)
)
RUSSEL T. BRANSFORD,)
Special Agent,)
Federal Bureau of Investigation)
1900 Half Street, SW)
Washington, DC 20535,)
)
and)
)

AYMAN ALOURI)
2300 Pimmit Drive)
Apartment 704 West)
Falls Church, Virginia 22043,)
)
and)
)
ABDEL SALEM ALOURI)
5800 Quantrell Avenue)
Apartment 1511)
Alexandria, Virginia 22312,)
)
and)
)
JOHN DOE No. 1, through)
JOHN DOE No. 24, inclusive,)
)
Defendants.)
)

SECOND AMENDED COMPLAINT (10/98)
(Conspiracy to interfere with Civil Rights in violation of 42 U.S.C. § 1985(2), Obstructing justice; Intentional Infliction of Emotional Distress; Assault; Battery; Civil Conspiracy)

COMES NOW Plaintiff, Patrick James Knowlton, by and through counsel, and respectfully states:

Jurisdiction

1. This Court has jurisdiction over Plaintiff's claims for relief under 42 U.S.C. §§ 1985, 1986, as claims arising under the constitution and laws of the United States, pursuant to 28 U.S.C. §§ 1331, 1343(a)(1) and (a)(2). This Court has supplemental jurisdiction over all of Plaintiff's other claims for relief as state law claims so related to Plaintiff's claim in the action within the original jurisdiction that they form part of the same case or controversy.

Contents
Summary of case: ¶¶ 2-12

Parties:	¶¶ 13-25
Robert Edwards Park Police Sergeant:	¶¶ 32-41
James Beyer, Medical Examiner:	¶¶ 42-54
John Doe pathologist:	¶¶ 44-46, 48
Robert Bryant, Deputy Director, FBI:	¶¶ 55-57
Lawrence Monroe, FBI agent, retired:	¶¶ 58-65, 71-74, 76-77
Scott Bickett:	¶¶ 66-70, 75
John Doe FBI lab technician(s):	¶¶ 78-100
Russell Bransford, FBI agent:	¶¶ 103-104, 106, 155-161
Ayman Alouri & Abdel Alouri:	¶¶ 134-137
John Does No. 1 through 24:	¶¶ 106-133, 138-154, 171-172
Other overt acts:	¶¶ 173-175
Ad damnum:	¶¶ 176-195

Summary of case

2. This case arises from an overall conspiracy to obstruct justice in connection with federal investigations into the death of deputy White House counsel Vincent W. Foster.

3. Upon learning that Mr. Foster's body was found in Fort Marcy Park, Virginia, Plaintiff reported to authorities what he had seen in the park approximately 70 minutes before the discovery of Mr. Foster's body.

4. In April and May, 1994, Defendant Monroe, then an FBI agent detailed to the Office of regulatory Independent Counsel Robert Fiske, interviewed Plaintiff. Plaintiff repeatedly told Monroe that the Arkansas Honda he saw in the Fort Marcy lot, found parked in the same space as Mr. Foster's was later found, was older than Mr. Foster's 1989 Honda. And the two car color panels that Plaintiff identified to Monroe as being the same color as the car he had seen at the park correspond only to Hondas and only for the year models 1983 and 1984. Notwithstanding these facts, Monroe falsified Plaintiff's account and misreported that Plaintiff identified the car he saw as a "1988 to 1990" year-model, which coincided with Mr. Foster's 1989 car. Because Mr. Foster was dead by the time Plaintiff visited Fort Marcy Park, Plaintiff's information refutes the official conclusion that Mr. Foster drove his car there.

5. Shortly after Plaintiff learned from a reporter that Defendant Monroe had falsified his account, Plaintiff's account of what he had witnessed at Fort Marcy and contradictory information from his FBI interview reports was published in the in October 22, 1995 edition of the *London Sunday Telegraph* newspaper.

6. On the same day that the *Telegraph* reached American newsstands, October 24, the Office of Independent Counsel, *In re: Madison Guarantee Savings & Loan*, prepared a subpoena for Plaintiff to testify before the Whitewater grand jury in this Court.

7. Two days after that subpoena was prepared, Defendant FBI Agent Russell Bransford served it. At the time of the service of that subpoena, Bransford was detailed to Mr. Starr's Washington, DC, Office. Bransford had been detailed to the Fiske probe.

8. Beginning the same day that Bransford served Plaintiff the secret grand jury subpoena, at least 24 Defendants and Bransford harassed and intimidated Plaintiff before he appeared to testify before the grand jury, and one Defendant harassed Plaintiff after he testified:

(1) Eleven or more Defendants on October 26, 1995;
(2) Twelve or more Defendants on October 27, 1995;
(3) Two or more Defendants on October 28, 1995;
(4) Defendant FBI Agent Bransford on October 30, 1995; and
(5) One Defendant on November 2, 1995.

9. Most of these incidents happened in a rapid and coordinated fashion, so that before one man departed, another was approaching. The objects of the harassment were twofold. First, to intimidate and warn Plaintiff in connection with his grand jury testimony and second, to destabilize Plaintiff and discredit his testimony before the grand jury. This technique of subjecting a witness to an overwhelming campaign of non-verbal harassment to intimidate and warn, or alternatively to destabilize and discredit the witness, is known to federal intelligence and investigative agencies.

10. Wrongful acts alleged herein were violations of 42 U.S.C. § 1985(2), which prohibits, inter alia, attempts to deter witnesses by intimidation or threat from testifying freely, fully, and truthfully to matters pending before federal courts. Plaintiff's cause also alleges assault, battery, intentional infliction of emotional distress, and civil conspiracy.

11. Overt acts directed at Plaintiff were part of a subsidiary conspiracy. Because that subsidiary conspiracy was the reasonably foreseeable, necessary or natural consequence of the overall conspiracy to hide the facts of Mr. Foster's death, each member of that overall conspiracy is liable for Plaintiff's damages simply by virtue of his being a conspirator.

12. The initial 16-day death investigation was a joint FBI/Park Police investigation. The investigation under the auspices of regulatory Independent Counsel Robert Fiske was an FBI investigation. No Congressional Committee has ever investigated Mr. Foster's death. Therefore, before Mr. Starr was appointed to head the statutory Office of Independent Counsel in August of 1994, the FBI conducted all official investigations into the case, with the sole exception of the initial investigation, which was conducted with significant FBI participation. Mr. Starr's office also used FBI agents and the FBI laboratory in conducting its investigation.

Parties

13. Plaintiff Patrick James Knowlton is an individual presently residing at 2424 Pennsylvania Avenue, NW, Washington, DC. At the time of Mr. Foster's death in July of 1993, and when Plaintiff was contacted and interviewed by Defendant Monroe in April and May of 1994, Plaintiff resided in Etlan, Virginia.

14. Defendant Robert Edwards (hereinafter "EDWARDS") was at all times material hereto an individual employed by the United States Park Police, holding the position of Sergeant, assigned to the Second District station, 7300 MacArthur Boulevard, Glen Echo, Maryland. EDWARDS has since retired. EDWARDS' residence address is presently unknown to Plaintiff, but it is believed to be in the state of Georgia.

15. Defendant James C. Beyer (hereinafter "BEYER") is and was at all times material hereto an individual employed as Deputy Chief Medical Examiner, Northern Virginia District, 9787 Braddock Road, Suite 100, Fairfax, Virginia, and in that capacity performed the July 21st, 1993 autopsy on Mr. Foster.

16. Defendant John Doe Pathologist (hereinafter "PATHOLOGIST") assisted Defendant BEYER in the performance of the autopsy on Mr. Foster. BEYER refused to identify PATHOLOGIST to the Park Police at the autopsy and there is no public record of the PATHOLOGIST's identity. Plaintiff will seek leave of Court to amend his Complaint by inserting his true name in place of the fictitious name PATHOLOGIST when the same has been ascertained.

17. Defendant Robert F. Bryant (hereinafter "BRYANT") is and was at all times material hereto an individual employed by the Federal Bureau of Investigation ("FBI"). During the times alleged hereinafter that BRYANT committed overt acts in furtherance of the conspiracy, BRYANT served as the Special Agent-in-Charge of the FBI's Washington, DC, Metropolitan Field Office. BRYANT currently holds the position of Deputy Director of the FBI, and his business address is the J. Edgar Hoover Building, 10th & Pennsylvania Avenue, NW, Washington, DC.

18. Defendant Scott Jeffrey Bickett (hereinafter "BICKETT") is an individual whose residence address is presently unknown to Plaintiff. Upon information and belief, Plaintiff avers that BICKETT is and was at all times material hereto an individual employed by the Department of Defense, holding an "Active SCI" security clearance, which stands for Sensitive Compartmented Information, a top U.S. Government security clearance. Upon information and belief, Plaintiff also avers that BICKETT has been briefed at FBI headquarters, has served at the direction of FBI personnel, and was so serving when BICKETT committed the acts hereinafter complained of.

19. Defendant Lawrence Monroe (hereinafter "MONROE") is an individual who resides at 8128 Blandsford Drive,

Manassas, Virginia. When MONROE committed the overt acts recited below, he was employed by the FBI as a special agent, and was detailed to the office of regulatory Independent Counsel Robert B. Fiske, Jr.

20. The captioned Defendant referred to as John Doe FBI Laboratory Technician is one or more laboratory technicians employed by the FBI's forensic laboratories, located in the J. Edgar Hoover Building, 10th & Pennsylvania Avenue, NW, Washington, DC. Because Plaintiff does not yet know whether all the FBI laboratory reports quoted below were authored by the same individual, nor his or their identities, the author or authors of these laboratory reports are hereinafter referred to in the singular as "FBI LAB." Plaintiff will seek leave of Court to amend his Complaint by substituting his or their true names instead of the fictitious name FBI LAB when the same has been ascertained.

21. Defendant FBI Agent Russell T. Bransford (hereinafter "BRANSFORD") is an individual who is currently and was at all times material hereto employed by the FBI as a special agent. BRANSFORD's business address is the FBI's Washington, DC Metropolitan field office, 1900 Half Street, SW, Washington, DC. BRANSFORD had been detailed to Mr. Fiske's office of regulatory Independent Counsel and, upon Mr. Starr's appointment in August of 1994 to serve as statutory Independent Counsel and the simultaneous dissolution of the office of the regulatory Independent Counsel's office, Mr. Starr's office retained BRANSFORD.

22. Defendant Ayman Alouri (hereinafter "AYMAN ALOURI") is an individual whose residence address is 2300 Pimmit Drive, Apartment 704 West, Falls Church, Virginia. AYMAN ALOURI was born in the country of Jordan and is a naturalized citizen of the United States.

23. Defendant Abdel Salem Alouri (hereinafter "ABDEL ALOURI") is an individual whose last known residence address is 5800 Quantrell Avenue, Apartment 1511, Alexandria, Virginia. ABDEL ALOURI was born in the country of Jordan. His citizenship is unknown to Plaintiff.

24. Defendant John Doe No. 1 (hereinafter "ONE"), through Defendant John Doe No. 24 (hereinafter "TWENTY-FOUR"), inclusive, are all male individuals, sued herein under fictitious names, their names and capacities being unknown to Plaintiff who may seek leave of this Court to amend his Complaint by inserting their true names and capacities in the place and stead of the fictitious names.

25. Some of the conspirators joined the conspiracy at different times by pursuit of the common goal or overall conspiratorial objective, the particulars of which are not presently known to Plaintiff. As all conspirators are not presently known, Plaintiff will, should it become appropriate, seek leave to amend this Complaint to name other Defendants and to plead the particulars of their functions in pursuing the overall or subsidiary conspiracy.

Facts

26. On July 20th, 1993, between the time of 3:00 p.m. and 4:00 p.m., Vincent Foster died of a small-caliber gunshot wound to his head, at the hand of another. The bullet entered his head from the upper portion of the right side of his neck, under the jaw line, passed upward through the body of the tongue, pierced his brain and struck the skull approximately three inches below the top of the head, fracturing it. The bullet remained in his head. Blood drained from the entrance wound in the neck onto his right collar and shoulder and was absorbed down onto his right shirtsleeve. Blood also accumulated in his mouth.

27. Also on July 20th, 1993, Plaintiff was driving on the George Washington Memorial Parkway. In heavy traffic and facing over a two-hour commute, Plaintiff pulled into Fort Marcy Park at 4:30 p.m. to relieve himself. Plaintiff parked close to the main footpath entrance into the park, between the only two cars in the small parking lot, which were parked just four spaces apart.

28. To Plaintiff's left was parked an unoccupied mid-1980s rust-brown four-door Honda sedan with Arkansas tags (closest to the footpath entrance), and on his right was a late model metallic blue-gray sedan, backed into its parking space. A man was seated in

the driver's seat of the blue-gray sedan. Immediately after Plaintiff parked, the man lowered the passenger side electric window and stared at him, menacingly, which unnerved Plaintiff as he exited his car.

29. As he started from his car toward the footpath, Plaintiff heard the blue-gray sedan's door open. Apprehensive, Plaintiff walked to the sign bordering the footpath entrance to the park and feigned to read its historical information while nonchalantly glancing to his right to see if the man was approaching. He saw the man leaning on the roof of the driver's side of his blue-gray sedan, watching him intently. Plaintiff then cautiously proceeded 75 feet down the footpath's left fork to the first large tree, in the opposite direction from which Mr. Foster's body was later recovered.

30. As he relieved himself, Plaintiff heard the man close his car door. Because the foliage was dense, he could not see whether the man was approaching. As Plaintiff walked back to the parking lot with a heightened sense of awareness, he scanned the lot but did not see the man. Plaintiff surmised that the man had either gotten back in his car or perhaps could even be crouching between the brown Honda and Plaintiff's car.

31. In order to maintain his distance from the space between the Honda and his own car until he learned the man's whereabouts, Plaintiff walked directly toward the driver's side door of the Honda, and then around the back of it. As Plaintiff reached the driver's side door of the brown Honda, he looked through the window. He also looked into the back seat as he walked the length of that car. He saw a dark-colored suit jacket draped over the driver's seat, a briefcase on the front passenger's seat, and two bottles of wine cooler on the back seat. As he reached the back of the Honda, Plaintiff was relieved to see that the man had returned to his own vehicle. The man was still staring fixedly at him.

Defendant Edwards

32. After the discovery of Vincent Foster's body, Defendant U.S. Park Police Sergeant Robert EDWARDS, who was the supervisor for the area that included Fort Marcy Park, responded

to the park. EDWARDS was the third U.S. Park Police personnel to arrive at the body site, which was in a secluded area of the park and not observable from the direction of the park's parking lot. By the time EDWARDS had arrived at the body site at approximately 6:28 p.m., the six Fairfax County Fire & Rescue personnel had left the body site.

33. EDWARDS did not compose any report. Neither the FBI nor Park Police investigators interviewed him during the course of the first 16-day investigation, nor did the FBI interview him during the course of the five-month Fiske probe.

34. As EDWARDS walked from the parking lot towards the body, he walked past U.S. Park Police Officer Kevin Fornshill as Fornshill was walking back to the parking lot, whereupon EDWARDS instructed Fornshill to leave the park.

35. When EDWARDS arrived at the body site, only U.S. Park Police Officer Franz Ferstl was present.

36. Upon EDWARDS' arrival at the body site, EDWARDS took possession of the approximately seven Polaroid photographs that U.S. Park Police Officer Franz Ferstl had taken.

37. EDWARDS then ordered Ferstl to return to the parking lot.

38. Alone at the body site, and in possession of the only photographic evidence that would have exposed his tampering with the crime scene, EDWARDS:

(1) Turned Mr. Foster's head to the right, whereupon blood drained laterally from his mouth, toward the small caliber bullet wound in Mr. Foster's neck, and down onto his right shoulder; and

(2) Repositioned the head in the "straight up" position, leaving a contact stain caused by the face having touched the bloody right shoulder of the shirt.

39. EDWARDS' purpose in causing blood to spill toward the small caliber bullet wound in Mr. Foster's neck and down onto his right shoulder and collar was twofold:

(1) To obscure and camouflage the existence of the bullet wound in Mr. Foster's neck; and

(2) To make it appear that the blood on Mr. Foster's right side collar and right shoulder, which had in fact drained from the neck wound, had emanated from his mouth.

40. EDWARDS absconded with the Polaroid photographs that U.S. Park Police Evidence Technician Franz Ferstl had taken.

41. The forgoing actions of EDWARDS were made with specific intent to obstruct justice.

Defendants Beyer & Pathologist

42. Defendant Deputy Chief Medical Examiner BEYER rescheduled the autopsy from its initial scheduled time of 7:00 a.m., Thursday, July 22nd, to Wednesday, July 21, at 10:00 a.m. Because the timetable for the performance of the autopsy was moved up to occur just 16 hours after the body's discovery, Park Police Investigators assigned to the case, Cheryl Braun and John Rolla, who had inspected the body at Fort Marcy Park, did not attend because they had worked all night.

43. This failure of police Investigators assigned to the case to attend the autopsy prevented the exchange of information between BEYER and the Investigators during the performance of the autopsy, and was in violation of the standard operating procedures of both the U.S. Park Police and the Office of the Medical Examiner.

44. On July 21st, 1993, Defendant BEYER and Defendant PATHOLOGIST performed the autopsy on Mr. Foster. These Defendants began performing the autopsy well before its rescheduled time of 10:00 a.m., which was when Park Police

personnel arrived to witness the autopsy. These Defendants' performance of a significant portion of the autopsy, without the presence of police witnesses, was in violation of the requirements of the Medical Examiner's Office and of the U.S. Park Police.

45. Before the rescheduled time of the arrival of Park Police personnel to witness the autopsy, Defendants BEYER and PATHOLOGIST removed Mr. Foster's clothing, scrubbed the body and x-rayed the head. And, before Sergeant Robert Rule, Detective James Morrissette and Identification Technicians Wayne Johnson and S.E. Hill arrived to witness the autopsy, BEYER and PATHOLOGIST removed Mr. Foster's tongue and portions of his soft palate.

46. The reason that BEYER and PATHOLOGIST removed portions of Mr. Foster's soft palate and tongue before the police autopsy witnesses arrived was to further the conspiracy by concealing:

(1) The fact that there was no entrance wound in the soft palate;
(2) To conceal the absence of gunshot residue on the soft palate; and
(3) To conceal the defect in the tongue which was caused when the bullet entered under the jaw line.

47. BEYER conducted still photography of Mr. Foster's body during the course of the autopsy, using both 35-mm and Polaroid cameras, but avoided any photography of the soft palate. BEYER's purpose in failing to photograph the soft palate was to obscure the absence of a bullet wound in, and gunshot residue on, the soft palate.

48. Upon the arrival of U.S. Park Police to witness that portion of the autopsy which was still left to do, Park Police Sergeant Robert Rule asked BEYER the PATHOLOGIST's name. BEYER failed and refused to identify PATHOLOGIST, and PATHOLOGIST failed to identify himself.

49. Overt acts in furtherance of the conspiracy committed by BEYER in the preparation of his July 28, 1993 Report of Autopsy include fabricating the existence of:

(1) A perforating gunshot wound;
(2) An entrance wound in posterior oropharnyx;
(3) Powder debri on the soft palate; and
(4) An exit wound in the back of the head.

50. On March 31, 1994, BEYER was interviewed in connection with the Fiske probe's investigation into Mr. Foster's death by a Dr. Norman, Charles J. Stahl, M.D. and James L. Luke, M.D. During the course of that interview, BEYER committed overt acts in furtherance of the conspiracy by falsely reporting to these men:

(1) That the autopsy commenced at approximately 10:00 a.m.;

(2) The existence of an entrance wound at the central midline soft palate, 7 1/2 inches below the top of the head;

(3) The existence of "abundant gunpowder residue" on the soft palate;

(4) The existence of an inch by inch-and-a-quarter exit wound three inches below the top of the head;

(5) The absence of identifiable food material in the stomach; and

(6) The absence of x-rays.

51. On July 13, 1994, BEYER testified on deposition, as follows:

Q. Was anyone present with you when you did the autopsy?
A. Park Police were present.

* * *

Q. What was your conclusion about the cause of death in this case?

A. Perforating gunshot to the head with entrance in the mouth, exiting the head.

Q. What was the path of the bullet?

A. Entered through the mouth, through the posterior pharnyx, went backward -- backward and upward with exit from the back of the head.

* * *

Q. Other than these two wounds, did you see any other wounds to the body?

A. None.

Q. Did you see any gunpowder burns on the body?

A. Tissue taken from the posterior oral pharynx or the back of the mouth contained powdered debris.

* * *

Q. Were any X-rays taken?

A. I had anticipated taking it, but our machine was not operating properly... I did the autopsy without an x-ray.

* * *

Q. Did you make any findings about position of the weapon?

A. No, except that the weapon undoubtedly had the muzzle in the mouth at the time of discharge.

* * *

A. That's [presence of police] a requirement of my office. Any time you have a gunshot wound and particularly one that might be of a suspicious character, the police have to be present during the autopsy.

* * *

Q. Doctor, you mentioned that the X-ray machine wasn't working during this particular autopsy. Is there an x-ray machine in the room where autopsies are performed?

A. There's one available in the autopsy suite. We had a new machine. It had not been operating properly...

* * *

A. I looked at it [clothing], then gave it over to the police for their examination.

* * *

A. They [pathology panel] were provided with a copy of the autopsy, a copy of the microscopic slides and a copy of the photographs.

52. Overt acts in furtherance of the conspiracy committed by BEYER during the course of the July 13, 1994 deposition include falsely testifying that:

(1) The police witnessed the autopsy and withholding that PATHOLOGIST was present during the autopsy;

(2) There was a perforating gunshot to the head with an entrance wound through the posterior pharnyx and an exit wound in the back of the head;

(3) There were no other wounds to the body;

(4) Tissue taken from the posterior pharnyx contained powder debris;

(5) The x-ray machine was not functioning properly and therefore no x-rays were taken;

(6) The muzzle of the weapon had been in the mouth at the time of discharge; and

(7) The clothing was given to the police upon its removal from the body.

53. On July 29, 1994, Defendant BEYER testified before the United States Senate Banking Committee:

> THE CHAIRMAN. Now, can you indicate how it was you were able to rule out any other cause of death and why you reached that conclusion, in terms of a short summary.
>
> Dr. BEYER. Mr. Foster had a perforating gunshot wound to the head with entrance in the mouth, exit in the back of the head. There was abundant powder debris in the mouth at the entrance site. Therefore, I concluded that this was essentially a contact perforating gunshot wound consistent with being self-inflicted.
>
> * * *
>
> The CHAIRMAN. You have given us the central reason I take it that you ascribe to why you concluded, or one of the main reasons you concluded this was a suicide. How were you able to rule out any possibility of an alternative cause of death?
>
> Dr. BEYER. There was no other evidence or trauma to the body, and with the entrance wound located in the mouth the way it was, with abundant power debris, no trauma to the jaws, no trauma to the teeth, it would be my conclusion that this was self-inflicted.
>
> * * *
>
> Senator KERRY. Officer Rolla, you were asked earlier about this question of moving up the autopsy. It is agreed that the autopsy was moved up by a day. Is that correct, doctor?
>
> Dr. BEYER. Well, as soon as I heard about the case, I had the body transported over, and we make every effort to do an autopsy within less than

24 hours if possible. Therefore, once I could get the body over, we proceeded with the autopsy.

Senator KERRY. But did you receive a message, doctor, asking you to try to proceed faster than normal?

Dr. BEYER. No, sir.

* * *

Senator KERRY. So irrespective of the timing, you are saying to us that the findings with respect to this autopsy are true and accurate and as you found them to be at the time. Is that correct?

Dr. BEYER. That is correct.

* * *

Senator FAIRCLOTH. All right, I will skip over to Dr. Beyer. Dr. Beyer, did you actually perform the autopsy on Mr. Foster?

Dr. BEYER. Yes, sir.

* * *

Senator FAIRCLOTH. You did it yourself?.

Dr. BEYER. [Nods in the affirmative.]

* * *

Senator FAIRCLOTH. Dr. Beyer, your autopsy report indicates that you took x-rays of Mr. Foster.

Dr. BEYER. I had anticipated taking them, and I had so stated on one of my reports.

Senator FAIRCLOTH. Your autopsy report says you took x-rays of Mr. Foster. Did you?

Dr. BEYER. No, sir.

Senator FAIRCLOTH. Why did you say you did if you didn't?

Dr. BEYER. As I indicated, I made out that report prior to actually performing the autopsy. We'd been having difficulty with our

equipment, and we were not getting readable x-rays. Therefore, one
was not taken.

Senator FAIRCLOTH. What was wrong with the x-ray machine?

Dr. BEYER. We had a new machine; we had new grids; and we had a new processor. We were having a number of problems.

Senator FAIRCLOTH. Why didn't you call Fairfax Hospital and arrange for a portable x-ray machine to be brought in for your use in such an important occasion?

Dr. BEYER. Because this was a perforating gunshot wound. If it had been a penetrating one, I would have gotten an x-ray of the head.

* * *

Senator FAIRCLOTH. Did you or the Medical Examiner's office have your servicing company come in and fix the x-ray machine?

Dr. BEYER. We were trying to remedy our problems. At that particular time we were not getting readable x-rays.

Senator FAIRCLOTH. When was it repaired?

Dr. BEYER. I have no x-rays in my files between July 6 to the 26. After July 26, 1993, we were getting x-rays.

Senator FAIRCLOTH. You mean for 20 days you ran a coroner's office and did autopsies without an x-ray machine?

Dr. BEYER. We don't take x-rays on very many cases. Primarily only gunshot cases.

Senator FAIRCLOTH. The Park Police officers who were present at the autopsy said you told them not only was an x-ray taken, you also told them the results of the x-ray. How do you account for the contradiction?

Dr. BEYER. I have no explanation because I did not take an x-ray.

Senator FAIRCLOTH. How did you tell the Park

Police the results of an x-ray that you didn't take?

Dr. BEYER. I don't recall telling --

Senator FAIRCLOTH. Well, they do.

Dr. BEYER. I have no explanation.

* * *

Dr. BEYER. The equipment was not working, and I sawno need to take an x-ray.

Senator FAIRCLOTH. You saw no need to take an x-ray?

Dr. BEYER. No, sir.

54. Overt acts in furtherance of the conspiracy committed by BEYER in his July 29th, 1994 testimony before the United States Senate includes falsely testifying that:

(1) Mr. Foster had a perforating gunshot wound to the head with entrance wound in the mouth and an exit wound in the back of the head;

(2) There was "abundant powder debris in the mouth at the entrance site;"

(3) There was no other evidence of trauma to the body;

(4) He himself performed the autopsy on Mr. Foster;

(5) No x-rays were taken because the Office of the Medical Examiner's new machine had "a number of problems" and "difficulty with the equipment" resulting in "not getting readable x-rays," and that there was "no need to take an x-ray."

Defendant Bryant

55. On July 22, 1993, at 8:46 p.m., the FBI Washington Metropolitan Field Office (WMFO) sent a Teletype to the Director of the FBI. Its subject was the Presidential staff assassination inquiry pursuant to 18 U.S.C. ¶ 1751, under which the FBI was mandated to exercise primary jurisdiction over the case. Sent less

than 34 hours after the autopsy, and routed through the Violent Crimes Unit of the FBI's Criminal Investigation Division (VCU-CID), it was sent to confirm the contents of the previous day's telephone conversations between the WMFO and the VCU-CID. These telephone conversations occurred the day of the autopsy, while Defendant Robert BRYANT held the position of special agent-in-charge of the WMFO. The Teletype confirmed that the telephone conversations included the knowledge that the autopsy's "results include the finding... that [there was] no exit wound."

56. On August 10th, 1993, eighteen days after having sent the Teletype, BRYANT, then special agent-in-charge of the FBI's Washington, DC metropolitan field office, appeared with U.S. Park Police Chief Robert Langston and Justice Department spokesman Carl Stern to announce, inter alia, the outcome of the FBI's investigation into Mr. Foster's death. During that press conference, BRYANT stated:

> Ladies and gentlemen, I'm Bob Bryant, and I'm the special agent in charge of the Washington metropolitan field office field office of the FBI... [I]nitially, when there is a death of a high government official that's covered by the assault or assassination statutes, the FBI as a matter of course establishes liaison with the police agency that has the primary lead, in this case the United States Park Police. We followed this case from the time we were notified until we were basically of the opinion... that this was a suicide...
>
> * * *
>
> Well, I think while we were with the United States Park Police, it became reasonably apparent that this was a suicide.
>
> * * *
>
> I think what we were trying to do here first was trying to find out if there was a violation, if he'd been harmed, you know, assaulted or assassinated or whatever. We concluded no...

* * *

I suggest to you that it's a very thorough investigation.

* * *

I'd be delighted to answer that question. Any time there is an assault or death under suspicious circumstances of an official covered by the assassination or assault of a federal officer statute, we immediately put with the primary or lead agency, in this case the United States Park Police, to determine the circumstances. As we became convinced that it was, in fact, a suicide, we subsequently started to withdraw...

57. These remarks made by BRYANT were untrue and BRYANT knew them to be untrue. They were overt acts made to further the cover-up. BRYANT's public pronouncement that the FBI "became convinced that it [Mr. Foster's death] was, in fact, a suicide," made eighteen days after the Teletype confirmed BRYANT's knowledge that there was, in fact, "no exit wound," constitutes active participation by BRYANT in the cover-up.

Defendants Monroe & Bickett

58. In early April of 1994, MONROE, while serving in his capacity as FBI agent detailed to the Office of regulatory Independent Counsel under Robert B. Fiske, Jr., telephoned Plaintiff at his Virginia residence and requested an in-person interview. On April 15, 1994, MONROE interviewed Plaintiff at the Office of regulatory Independent Counsel. While showing Plaintiff six or more photographs of Mr. Foster's car, MONROE questioned Plaintiff over 15 times in various ways whether the Arkansas Honda he had seen, parked in the same space as Mr. Foster's Honda was later found, could have been Mr. Foster's 1989 silver-gray colored Honda. Plaintiff repeatedly responded, "No"; that the Honda he saw was older, of a different body shape, and was rust-brown in color.

59. At the conclusion of this interview, MONROE asked Plaintiff "not to go to the press" with his story. Plaintiff's

information controverts the conclusion that Mr. Foster drove his 1989 silver-gray colored Honda to Fort Marcy Park, and MONROE's request that Plaintiff not publicize his information was made in furtherance of the cover-up.

60. On April 18th, 1994, MONROE composed an "FD-302" report of his April 15th interview with Plaintiff. Despite MONROE's failure to obtain an admission from Plaintiff that the Honda Plaintiff saw could have been Mr. Foster's 1989 silver-gray colored Honda, MONROE, knowingly and with specific intent to obstruct justice, falsified Plaintiff's account of the 1983 or 1984 rust-brown Honda Plaintiff had observed. MONROE's April 18th FD-302 of his interview with Plaintiff three days earlier willfully misreported that Plaintiff had:

(1) "[I]dentified this particular vehicle as a 1988 to 1990... Honda with Arkansas plates;" and

(2) "[R]eiterated his description of this Honda as a 1988-1990..."

61. Regarding the man in the blue-gray sedan who had stared at Plaintiff menacingly as Plaintiff pulled into his space, walked into the park and as he left the park, Plaintiff told MONROE that the man was wearing a button-down oxford-type short sleeve shirt, and that Plaintiff probably would be able to recognize the man in the future. Plaintiff also told MONROE that Plaintiff had not seen the license plates on the suspicious acting man's blue-gray sedan. Notwithstanding Plaintiff's account, MONROE falsely reported in his April 18th, 1994 FD-302 that:

(1) Plaintiff said he "could not further identify this particular individual nor his attire and stated that he would be unable to recognize him in the future;" and

(2) Plaintiff identified the blue-gray sedan as having "Virginia license plates..."

62. Regarding the contents of the mid-1980s brown Arkansas Honda, Plaintiff told MONROE that among the car's

contents Plaintiff saw as he walked directly toward the driver's side door of the brown Honda and then along side of it, were two bottles of wine cooler on the back seat. Implicit in MONROE's report was that Plaintiff viewed the contents of the car through the back window and therefore could not have seen the contents of the car's back seat. MONROE reported that Plaintiff "...walked behind the brown Honda and peered inside..." Omitting the two wine cooler bottles that Plaintiff reported seeing on the back seat, MONROE reported that Plaintiff "could furnish no other descriptive data regarding the vehicle or for that matter the contents located within the vehicle."

63. The wine cooler bottles were in the car that Plaintiff observed, but not in Mr. Foster's Honda at the park. Mr. Foster's Honda arrived at the park after Plaintiff had left.

64. Soon after his April 15th, 1994 interview with MONROE, radio talk-show host G. Gordon Liddy requested Plaintiff to appear for an on-air interview. In compliance with MONROE's request, Plaintiff declined.

65. In early May of 1994, MONROE telephoned Plaintiff at his Virginia residence and requested a second in-person interview. Plaintiff agreed. The two scheduled a meeting for 10:00 a.m., May 11th, 1994.

66. On May 10, 1994, the night before his second interview with MONROE, Plaintiff was driving his 1979 refurbished Peugeot 504 eastbound on Constitution Avenue, NW, accompanied by three adult passengers, one gentleman and two ladies. It was about 10:30 p.m. Defendant Scott Jeffrey BICKETT drove a 1988 Oldsmobile with Illinois license plates, accompanied by adult two male passengers, and was tailgating Plaintiff for about three blocks. Plaintiff, driving slowly and looking for a parking space, approached the intersection of 21st Street, saw a vacant parking spot, put on his directional, and stopped just past the spot. BICKETT pulled into the spot. Plaintiff got out of his car and said to BICKETT, "I was gonna park there." BICKETT said two words, then walked away, accompanied by the two other males who were passengers in the Oldsmobile. There was no other conversation between the occupants of Plaintiff's car and the occupants of BICKETT's car.

67. Plaintiff parked his car in front of BICKETT's, then left with his companions.

68. Immediately upon Plaintiff's vacating the area, BICKETT returned to the scene, took a tire iron from his Oldsmobile, smashed the Peugeot's four headlights, both taillights and struck the radiator with sufficient force to put a whole in it, causing over $3,700 in damages to Plaintiff's Peugeot.

69. About fifteen minutes after he had left his Peugeot, Plaintiff returned to where it was parked. A limousine driver, who is a retired District of Columbia Metropolitan Police Department captain, who had had witnessed the incident, told Plaintiff and Park Police Officers Hammond and McIntyre who had arrived by that time what BICKETT had done, and provided the Oldsmobile's license plate number. Park Police assigned the case incident number 021327.

70. Plaintiff reasonably believes and therefore avers that BICKETT is employment by the Department of Defense with a Sensitive Compartmented Information security clearance, and that BICKETT has been briefed at FBI headquarters and has served at the direction of FBI personnel, as alleged above. Accordingly, Plaintiff alleges that BICKETT's wrongful conduct was at the direction of FBI personnel. The purpose of BICKETT's having committed these violent actions toward Plaintiff late in the evening before the morning of Plaintiff's second scheduled interview with MONROE was to cause Plaintiff to be in a deteriorated emotional state while being interviewed by MONROE. The conspirators sought to make Plaintiff more vulnerable to being manipulated by MONROE's haranguing to obtain from Plaintiff the sought-after admission that the Arkansas Honda Plaintiff saw in the park could have been Mr. Foster's 1989 year model Honda.

71. MONROE interviewed Plaintiff a second time on the morning following BICKETT's malicious attack on Plaintiff's car, while Plaintiff was still jarred and distressed. MONROE again repeatedly questioned Plaintiff whether the Honda he saw could have been Mr. Foster's 1989 silver-gray colored Honda. Notwithstanding

his distraught emotional state, each time Plaintiff responded, "No." In a further attempt to obtain an admission from Plaintiff that the Honda he saw could have been Mr. Foster's, MONROE showed Plaintiff reports of other witnesses' interviews who had described the 1989 silver-gray colored Honda, and a 35-mm photograph of Mr. Foster's Honda. Mr. Foster's Honda arrived in the Fort Marcy lot after Plaintiff had left. After Plaintiff had read these other witness statements and viewed the 35-mm photograph, MONROE again repeatedly asked Plaintiff whether the Honda he saw could have been Mr. Foster's 1989 silver-gray colored Honda. Each time, Plaintiff's response was the same. "No."

72. MONROE then escorted Plaintiff to the FBI laboratory, where MONROE provided Plaintiff with brochures of late model Hondas. Upon inspection of these brochures, Plaintiff told MONROE that the Hondas depicted in the brochures were too new to be of the same Honda Plaintiff had seen at Fort Marcy Park, and asked MONROE for brochures of older model Hondas. MONROE responded that brochures of older Hondas were unavailable. Plaintiff described the distinctive dull finish of the car he saw to FBI laboratory technician Dr. Frederick Whitehurst, who responded that he was familiar with the unusual finish Plaintiff described. Plaintiff was then directed to the section of the car color panels containing brown panels, whereupon Plaintiff picked out two car color panels, both of which were of the same color. These two panels were numbered 3499 and 3500. Whitehurst informed Plaintiff and MONROE that the panels Plaintiff had picked correspond to a color available only on Hondas and only available for the year models 1983 and 1984.

73. Whitehurst then suggested to MONROE that since there must be only a few 1983 and 1984 Hondas of that color registered in the state of Arkansas, MONROE should run a computer check at the Arkansas Department of Motor Vehicles. MONROE curtly responded something like, "Don't you worry, we're on top of all of this."

74. Toward the end of the interview, Plaintiff relayed to MONROE the facts of the malicious attack on his car late the night before and asked MONROE whether he could tell Plaintiff the

identity of the perpetrator from the Olsmobile's license plate number. MONROE inexplicably told Plaintiff that he could do so only if Plaintiff could provide MONROE with the perpetrator's date of birth.

75. In the weeks-ensuing BICKETT's malicious conduct, Park Police told Plaintiff that the vandal could not be identified or located. On October 18, 1995, this license plate number was provided to a private investigator. The next day, the investigator called and provided the Oldsmobile owner's name, address, home telephone number, employer, and wife's name. Plaintiff provided this information to the Park Police, whereupon BICKETT confessed to Park Police Detective Frank A. Barwinzak. Despite repeated requests to do so, the Office of the United States Attorney for the District of Columbia failed and refused to prosecute BICKETT.

76. On July 29, 1994, Defendant MONROE testified before the United States Senate Banking Committee:

> Mr. MONROE. ...We also interviewed everyone known to have been in Fort Marcy Park on the afternoon or evening of Mr. Foster's death...
>
> * * *
>
> First, there can be no question that Vincent Foster committed suicide. Interviews with Mrs. Foster and other family members revealed that Mr. Foster was deeply depressed in the weeks prior to his death. Those close to him told us that in those final weeks he had lost considerable weight and was having trouble sleeping. He appeared exhausted most of the time and he began to take on a drawn and gray appearance. Family and friends stated that he appeared distracted and worried most of the time and that he became quite subdued. Coworkers, including former White House Counsel, Bernard Nussbaum, noted that his productivity at the White House began to decline. We learned that Mr. Foster was deeply disturbed by the fallout from the travel

office matter over which the Counsel's Office was harshly criticized in the press. We also know that he was distressed about the criticism that he received in a series of editorials that appeared in *The Wall Street Journal.*

* * *

Telephone records reveal that in the early afternoon of July 16, Mr. Foster, as previously mentioned, did attempt to reach out for help by twice attempting to contact one of the psychiatrists but was unsuccessful. The list of psychiatrists was found in Mr. Foster's wallet after his death. On Monday, July 19, a day before his death, he contacted his physician in Arkansas and informed him of his depression.

* * *

This was confirmed by an examination of microscopic slides taken during the autopsy which revealed a large quantity of gunpowder on the soft pallet tissue inside of his mouth. This indicates that the barrel of the weapon was essentially in contact with the soft pallet when fired.

* * *

The physical evidence further reveals that Mr. Foster pulled the trigger... This evidence leads to the inescapable conclusion that Mr. Foster committed suicide. The physical evidence makes it equally clear that the suicide occurred right where the body was found on the slope of the berm located in Fort Marcy Park.

* * *

Had the body been moved to Fort Marcy Park after his death, the Park Police would have

found Mr. Foster's body and clothing far more bloody than the were at the scene.

* * *

Senator DODD. It's your conclusion, as has been stated, that Mr. Foster committed suicide. There's no doubt in any of your minds about that?

Mr. MONROE. No doubt.

* * *

Senator DODD. ...[W]ere there any "significant" irregularities in the Park Service Police's investigation?

Mr. MONROE. Your question, Senator, had to do with the Park Police and the response that I have to that is we do not know of any significant irregularities.

* * *

Senator BENNETT. ...The FBI identified blond/light brown head hairs of Caucasian origin dissimilar to Mr. Foster's on several pieces of clothing. Has the FBI investigation determined the identity of those blond Caucasian head hairs?

Mr. MONROE. No, we have not, sir, and I'd be glad to respond why not. Basically for the following reasons, sir. There were three blond hairs found on articles of clothing, as you've said. Our objective, as I've mentioned before, was to find out how Mr. Foster died, why did he die, and whether Whitewater at all played any role. It was our professional judgment that trying to determine that hair would not lead us or advance us in this objective. And let me go one step further, if I could, sir. The source of this hair could have been boundless. It could have been obtained at work. There was a White House ceremony that morning. It

could have been from his residence. It could have been from his automobile, which was used quite often by his children, during the autopsy, during the period of time that the clothing was in the possession of the U.S. Park Police, any blond-haired person at the death scene, and there's no way to determine whether or not those hairs were on those certain articles of clothing either on the day of his death or days previous to it. We were also very well aware, sir, that Mr. Foster's daughter, 21 year-old daughter, has blond hair.

* * *

Senator BENNETT. The second one is in the same category. I'm curious. The FBI identified carpet-type fibers of various colors. They contain red, dark pink wool fibers on various pieces of his clothing. Does the FBI have any idea where that came from? Was there any attempt made to match that with any carpet in his home, car, or office?

Mr. MONROE. No, sir, and for the same reasons I provided in response to your first question relative to the hairs. They were multiple colors. We had no way to match those particular carpets up, outside the fact that they most likely came from his residence or from his office, and if we had any knowledge of any other venue or location he might have been at, specifically the day of his death, we would have done it. So once again, Senator, nothing sinister whatsoever.

* * *

Mr. MONROE. No, I don't think so. I'd like to clarify it. In any death investigation, we had overwhelming evidence to reflect that it was a suicide...

77. The greater part of this testimony was false, was known by MONROE to be false, and constituted overt acts in furtherance of the cover-up. Contrary to MONROE's testimony:

(1) The FBI did not "interview everyone known to have been in Fort Marcy Park on the afternoon or evening of Mr. Foster's death," including:

(a) Defendant EDWARDS;

(b) "Volunteers" working on a trail;

(c) Two men seen in and around the 1983 or 1984 rust-brown Honda;

(d) The man in the blue-gray Japanese car seen by Plaintiff;

(e) Men seen getting dressed in the woods by paramedics; and

(f) A jogger;

(2) Those close to Mr. Foster did not report that "he had lost considerable weight" because he had in fact gained weight;

(3) Mr. Foster did not tell his physician that he was depressed;

(4) The microscopic slides did not reveal "a large quantity of gunpowder on the soft palate tissue inside of his mouth," rather they revealed the absence of any gunpowder;

(5) Defendant MONROE in fact knew of numerous "significant irregularities" during the course of the first 16-day investigation, including but not limited to:

(a) Polaroid photographs were not treated as evidence and many vanished;

(b) 35-millimeter crime scene photographs taken by an experienced U.S. Park Police Evidence Technician were reported to be of limited value. MONROE had viewed these photographs and knew they were clear;

(c) The first witness to discover the body told MONROE that Mr. Foster's palms facing up, contrary to the depiction in the official crime scene photographs;

(d) The Park Police officer who first responded to the body site radioed the death an "apparent suicide" without having seen the weapon;

(e) At least four witnesses saw a briefcase in a Honda in the lot, and that briefcase, if not the Honda, vanished;

(f) The crime scene was not secured and the driver of a car in the lot when the first officials arrived drove away without being identified;

(g) The Park Police knew that Mr. Foster was employed at the White House by 6:35 p.m. but reportedly failed to notify the Secret Service until around 8:30 p.m.;

(h) Two sets of keys, including those to Mr. Foster's car, were not found at the park;

(i) Mr. Foster's eyeglasses, with gunpowder on them, were found stems closed 19 feet below Mr. Foster's head in dense foliage, uprange from the bullet trajectory;

(j) A civilian park witness told the FBI that she was "positive" that her information reflected in the Park Police report "was untrue;" and

(k) The lead Park Police Investigator "made the determination" that Mr. Foster's death was suicide before viewing the body;

(6) The "overwhelming evidence" indicated that the death was not, in fact, a suicide.

FBI Laboratory Technician(s)

78. When a revolver is fired and the bullet leaves the cylinder and enters the barrel, the internal pressure expels gasses, burning and unburned powder, and particulate and vaporized lead, referred to as "gunshot residue." The blast results in gunshot residue being vented through the "barrel-cylinder gap" at high speed, forming a ring perpendicular to the gun's barrel. As the residue escapes, it separates like spokes of a wheel.

79. When these residues become deposited on a surface, they form, roughly speaking, a line, like the lines of deposits left on both of Mr. Foster's index fingers and the web between his right thumb and index finger. This proves that, when the shot was fired, the web between his right thumb and index finger, and both of his index fingers, were in the gunshot residue trajectory of the cylinder-blast from the cylinder-barrel gap.

80. FBI LAB's May 9, 1994 Report 40324038 S/D QV, page 7, ¶¶ 1 and 3, state:

> Apparent gunshot residue (smoke) was noted in the Q60, Q112, Q125, Q126, photographs on the side of the right forefinger and web area of the victim's right hand. These residues are consistent with the disposition of smoke from the muzzle blast or cylinder blast when the K1 revolver is fired using ammunition like that represented by specimens Q1 and Q2 when this area of the right hand is positioned near the front of the cylinder or to the side of and near the muzzle.
>
> The position of the victims [sic] hand in the Q77, Q79 and Q97 photographs relative to the revolver and the apparent disposition [sic] of gunshot residue (smoke) visible in the Q60, Q112, Q125, Q126 and Q127 photographs is consistent with, but not limited to, the following position of the right hand during firing: Pulling the trigger of the K1 revolver with the right thumb, single or double action, or having the right thumb inside the trigger guard with the web area and side of the right forefinger near the front of the cylinder.

81. Because the muzzle was officially in Mr. Foster's mouth when the shot was fired, FBI LAB's statement that the gunshot residue is "consistent with... [his] right hand [being] positioned... to the side of and near the muzzle" is inapplicable.

82. Had the revolver been fired with the right thumb, gunshot residues could not have been deposited on the "web area" between the right thumb and index finger because the web would not have been "to the sides of the front cylinder." Mr. Foster's right thumb could not have been on the trigger at the same time as his right thumb-index finger web was in the trajectory of the gunshot residue from the cylinder-blast. The fact that the web between the thumb and right index finger was "near the front cylinder" eliminates the possibility of Mr. Foster's having fired the K1 revolver with his right thumb. If the revolver had been fired with the right thumb, the web area would have been completely blocked from any barrel-cylinder blast, regardless of how the revolver is held.

83. FBI LAB also failed to note that "pulling the trigger of the K1 revolver with the right thumb... [in the] double action" mode is a highly improbable scenario because the required grasp would require holding the gun in a way which would prevent the cylinder from turning.

84. The foregoing ¶¶ 1 and 3 of page 7 of FBI LAB's May 9, 1994 Report 40324038 S/D QV was made with the intent to conceal that Mr. Foster could not have held the weapon when it was discharged, and constitutes an overt act in furtherance of the conspiracy to obstruct justice.

85. Because Mr. Foster could hold a basketball palm-down with one hand, the length of his right index finger approached six inches in length from the top of his fingertip to the web area, and the third (last) phalange of his index finger was around an inch long. Because gunshot residue "extend[ed] from the distal joint" of the right index finger into the web area between it and his right thumb, the length of the gunshot residue deposit was over five inches long. Taking into account the absence of residue being expended from the upper part of the weapon's frame (where the cylinder pin "masks" gunshot residue from emanating from the weapon), the minimum distance that Mr. Foster's fingers could have been from the center of the barrel when cylinder blast occurred, using the five-inch arc, is calculated as over two inches away, perpendicular from the barrel. The closer his hands were to the cylinder, the shorter length of the residue deposit. Had he been holding the weapon with his index finger, the line of deposits would have been less than two inches long. Mr. Foster could not have been grasping the gun with his right index finger when it was discharged.

86. FBI LAB's May 9, 1994 Report 40324038 S/D QV, page 7, ¶ 1 only describes cylinder blast. This Defendant failed to note that gunshot residue was also found on Mr. Foster's left index finger. His description that the residues are "consistent with the this area," when the "right hand" is "near the front of the cylinder" inadequately describes the coverage and length of the gunshot residue deposits on Mr. Foster's right index finger and the web between it and his right thumb.

87. FBI LAB's failure to properly describe the gunshot residue patterns was deliberate and made with the willful and specific intent to conceal the fact that Mr. Foster could not have fired the K1 revolver with his right thumb.

88. The only possible way to have gunshot residue deposited on the right index finger and web area and left index finger, a sufficient distance from the barrel-cylinder gap to provide the five-inch length of the residue pattern, is if the weapon was fired by the hand of another. The gunshot residue patterns found were made when Mr. Foster held his hands with the palms facing the revolver's cylinder, consistent his hands being in a defensive posture.

89. FBI LAB's concealing that at the time of the shot, Mr. Foster's index fingers could not have been in contact with the weapon and that his hands were in a defensive posture, were overt acts in furtherance of the overall conspiracy and cover-up of the facts of Mr. Foster's death.

90. Consistent with the absence of the official mouth entrance wound, there was no gunshot residue found in Mr. Foster's mouth. Consistent with the absence of gunshot residue found in Mr. Foster's mouth, the Virginia Division of Forensic Science found no gunshot residue on the five microscopic slides containing 13 sections of the soft palate that Defendant BEYER had falsely reported contained "large quantities of black foreign material." Consistent with the Virginia Division of Forensic Science's finding, FBI LAB's May 9, 1994 Report 40324038 S/D QV, page 8, ¶ 5, noted:

> No Ball-shaped gunpowder was identified in the tissue samples from the inside of Foster's mouth, when examined at the Office of the Medical Examiner for Northern Virginia.

91. To conceal the absence of the official mouth entrance wound, and in furtherance of the overall conspiracy to conceal the true facts of Mr. Foster's death, FBI LAB in its June 13, 1994 Report No. 40525002 S QV, page 2, ¶ 3, falsely reported that the Virginia Division of Forensic Science's finding was consistent with the

"suicide finding in which the muzzle of the firearm was in Foster's mouth":

> It was previously reported that no ball-shaped gunpowder was identified on the tissue samples from the inside of Foster's mouth, when examined at the Office of the Medical Examiner for Northern Virginia. Inasmuch as these tissue samples were prepared in such a way which is not conducive to retaining unconsumed gunpowder particles, these findings are not unexpected... The FBI Laboratory findings are not inconsistent with the Pathologists' Report relating to a suicide finding in which the muzzle of the firearm was in Foster's mouth.

92. Defendant BEYER's report of having found "abundant powder debris" and "abundant gunpowder residue" on the soft palate is the cornerstone of the official conclusion. Defendant FBI LAB sought to explain how the "abundant powder debris" on the soft palate could have vanished between the time that BEYER reportedly observed it and someone else at the Office of the Medical Examiner microscopically examined the thirteen tissue samples from the soft palate. BEYER prepared the tissue samples to be tested for the presence of "powder debris," and FBI LAB's declaration that the "tissue samples were prepared in such a way which is not conducive to retaining unconsumed particles" was false and was made in furtherance of the conspiracy.

93. FBI LAB's May 9, 1994 Report 40324038 S/D QV, page 6, ¶ 5, and his June 13, 1994 Report No. 40525002 S QV, page 2, ¶ 1, respectively, state:

> When the Q8 shirt was received in the Laboratory, the resultant color reaction for a positive reaction for the sodium rhodizonate test was apparent... consistent with muzzle blast or cylinder blast from a revolver like the K1 revolver using ammunition like specimens Q1 and Q2.

> Issue No. 1 in the ALSO SUBMITTED note relates to the positive color reaction for vaporized lead and fine particulate lead which was noted on the front of the Q8 shirt... The presence of gunshot residues... are consistent with the cylinder blast or the muzzle blast which would be produced if the K1 revolver was fired in close proximity to the front of the Q8 shirt.

94. A positive sodium rhodizonate test, which detects vaporized lead or very fine lead particles, would be consistent with the firing of any weapon using any lead bullet, not just "a revolver like the K1 revolver using ammunition like specimens Q1 and Q2." The foregoing excerpts from FBI LAB's reports, intended to mislead the reader into the false impression that the official death weapon caused Mr. Foster's death, was made in furtherance of the overall conspiracy to hide the true facts of Mr. Foster's death.

95. FBI LAB's May 9, 1994 Report 40324038 S/D QV, page 6, ¶¶ 1 and 2, respectively, state:

> Specimen Q2 is a .38 Special caliber cartridge case of Remington manufacture which was identified as having been fired in the K1 revolver. Several pieces of ball smokeless powder were removed from the Q2 cartridge case in the laboratory.
>
> Specimen Q1 is a .38 Special caliber cartridge of Remington manufacture which is loaded with a round-nosed lead bullet. The Q1 cartridge and Q2 cartridge case are similar in caliber type and manufacturer and bear similar "R-P .38 Spl HV" headstamps. The bullet was removed from the Q1 cartridge in the laboratory.

96. The K1 revolver is a high-powered weapon and was loaded with Remington "HV" (high velocity) cartridges, higher than the standard velocity cartridge. Remington has never used Ball Smokeless Powder in the manufacture of its R-P .38 Spl HV ammunition. FBI LAB concealed that Remington has never used

Ball Smokeless Powder in the manufacture of its R-P .38 Spl HV ammunition, in furtherance of the conspiracy.

97. Ball Smokeless Powder is consistent with small caliber ammunition such as .22 caliber ammunition manufactured by Winchester. It is also commonly used to reload ammunition.

98. FBI LAB also failed to reveal what type of powder was in the Q1 cartridge case after the bullet was removed.

99. FBI LAB's May 9, 1994 Report 40324038 S/D QV, page 13, ¶ 4, states:

> The 35mm color negatives (Q32) were examined to locate frames for photographic enhancement. The selected frames (5, 6, 7, 8, 9, 10, 17, 18) were printed using Kodak Ultra print paper to produce maximum image detail. Due to the negatives having been underexposed during the photographic process, limited detail could be extracted from each of the selected frames.

100. FBI LAB's report that "limited detail could be extracted from each of the selected frames" was false known to be false, and was made in furtherance of the cover-up to conceal the existence of photographic evidence which would have exposed the conspiracy. The FBI "was able to, in fact, enhance the photographs" and they "looked good," according to U.S. Park Police Evidence Technician Peter Simonello, who had taken the photographs.

Witness Tampering

101. On October 13, 1995, Ambrose Evans-Pritchard, the Washington DC Bureau Chief of the *London Sunday Telegraph,* who Plaintiff had never heard of, contacted Plaintiff and showed him the then publicly available FD-302 Reports of his statements prepared by MONROE, which Plaintiff had not seen. Plaintiff realized for the first time that Monroe had falsified his account of the car and other facts he had recounted during his FBI interviews, and Plaintiff told Evans-Pritchard the true facts of his visit to Fort Marcy Park.

102. On October 22, 1995, a newspaper article entitled "Death in the Park: Is this the killer?" appeared in the *London Sunday Telegraph*. The article reported that Plaintiff was in Fort Marcy Park the day Vincent Foster's body was discovered. An artist's sketch of a man Plaintiff saw in the Park appeared with the article, which was subtitled, "Foster mystery: a key witness ignored by the FBI reveals the face." That article states in part:

> When the *Sunday Telegraph* showed him police judicial summaries of his testimony - which he had not seen - he was stunned, saying his statements have been falsified...
>
> The other [car in the parking lot of Fort Marcy Park] was a blue sedan, possibly a Japanese make. There was a man in his twenties sitting inside it with a manicured appearance. He lowered his window and gave Knowlton a threatening look...
>
> His FBI statement says that Knowlton "could not further identify this individual and stated that he would be unable to recognize him in the future." "That's an outright lie," he said, angrily. "I want it on the record that I never said that. I told them I could pick him out of a line-up." The *Sunday Telegraph* asked if he would be willing to help with an artist's sketch of the suspect. He agreed... The sketch above was drawn by an experienced police artist...
>
> Knowlton's statement says that the blue sedan had Virginia license plates. "That's not true," he said.
>
> They showed him a photograph of... a Honda with Foster's Arkansas number plates. It was a newer model Honda, with a gloss paint, fancy wheels, and a dent in the back -- a totally different car. "They went over it about 20 times, telling me that this was Foster's car," said Knowlton. "But I was quite

adamant about it. I saw what I saw, and I wasn't going to change my story."

Starr's investigators have never talked to Knowlton. The federal grand jury has never summoned him to give sworn testimony...

103. Two days later, on Tuesday, **October 24, 1995**:

(1) The October 22, 1995 issue of the *London Sunday Telegraph*, containing the foregoing article, appeared on American newsstands;

(2) The Office of Independent Counsel under Kenneth Starr prepared a subpoena for Plaintiff to testify before the Whitewater grand jury; and

(3) That subpoena was delivered to FBI agent Russell T. BRANSFORD for service on Plaintiff.

104. Two days after that, on **Thursday, October 26, 1995**, BRANSFORD served the subpoena on Plaintiff to appear and testify before the Washington, DC, Whitewater grand jury six days later, Wednesday, November 1. At the time of the service of the subpoena, BRANSFORD gave Plaintiff his business card and said to Plaintiff, "Call me if you have any problems."

105. Having failed to obtain an admission from Plaintiff that the car he saw could have been Mr. Foster's, MONROE falsified his FD-302 Report of Plaintiff's statements to conceal Plaintiff's account. When the story reporting that MONROE had falsified Plaintiff's account was published, Defendants conspired and schemed to neutralize Plaintiff's statements, both made and anticipated. Defendants undertook to subject Plaintiff to an overwhelming campaign of harassment and intimidation to neutralize any damage Plaintiff could do to the ongoing conspiracy to hide the circumstances of Mr. Foster's death, by:

(1) Intimidating and warning Plaintiff in

connection with his grand jury testimony; and failing that, by

(2) Destabilizing Plaintiff and discrediting Plaintiff's testimony before the grand jury.

This *modus operandi* is known in federal intelligence and investigative agencies.

Harassment & intimidation

106. Beginning later the **same day AGENT BRANSFORD served Plaintiff the subpoena, Thursday, October 26, 1995, which subpoena was known only to the FBI and the Office of Independent Counsel**, Defendants, and each of them, began a campaign of harassment, intimidation, terror, and psychological attack upon Plaintiff, committing overt acts intended to accomplish the objects of the subsidiary conspiracy, to wit, to deter Plaintiff from testifying freely, fully and truthfully before the grand jury by intimidating and warning him, and to destabilize and discredit Plaintiff. Overt acts undertaken by Defendants against Plaintiff in furtherance of the conspiracy included but was not limited to overt acts recounted below.

107. On October 26, 1995, Plaintiff discussed by telephone with his girlfriend (hereinafter "Kathy") their plans for that evening. Plaintiff and Kathy agreed to walk from Plaintiff's residence to the Dupont Circle neighborhood CVS and then to a particular restaurant in that neighborhood.

108. During the evening of October 26, 1995, Plaintiff and Kathy walked on the public street. Defendant ONE walked toward them while constantly staring directly at Plaintiff's face. Kathy directed Plaintiff's attention to ONE's behavior. ONE directed a fierce glare into Plaintiff's eyes as he approached, and continued this uninterrupted glare as he walked past Plaintiff. After they passed, ONE stopped and continued to watch Plaintiff as he raised his left wrist to his mouth and spoke into his coat sleeve.

109. Within five seconds after Plaintiff's contact with ONE, Defendant TWO walked directly toward Plaintiff while directing a constant fierce glare at Plaintiff's face, then cut to Plaintiff's left, turned his head toward Plaintiff, past Kathy, all the while continuously glaring into Plaintiff's eyes.

110. Approximately twenty seconds after Plaintiff's contact with TWO, Defendant THREE approached them from ahead, and while passing on Plaintiff's right, glared fiercely into Plaintiff's eyes, and continued to do so as he passed.

111. Approximately four minutes after Plaintiff's contact with THREE, Kathy waited in line at the CVS pharmacy counter while Plaintiff sat in a nearby chair. During the five minutes Defendant FOUR stood in line behind Kathy, FOUR did not face forward, but rather stood facing Plaintiff and continuously glared fiercely at Plaintiff as FOUR moved up in line. When Kathy handed her prescription to the pharmacist, FOUR walked away.

112. Approximately four minutes after Plaintiff's contact with FOUR, Defendant FIVE stood on the street approximately 50 feet away, continually staring in Plaintiff's direction. FIVE walked toward Plaintiff and directed a fierce glare into Plaintiff's eyes as he approached and passed.

113. As a direct and proximate result of the continuous and persistent physical displays of Defendants ONE through FIVE, inclusive, Plaintiff reasonably believed the entire course of conduct was a single continuing action, and reasonably feared the use of harmful physical force by Defendants to cause severe bodily harm to Plaintiff and to Kathy.

114. Approximately one minute after Plaintiff's contact with FIVE, as Plaintiff and Kathy walked northbound, Defendant SIX stood military "at-ease" style on the corner glaring at Plaintiff as they approached. As Plaintiff reached the corner, SIX pivoted on one foot, keeping his military-type "at-ease" stance while glaring fiercely at Plaintiff, then followed Plaintiff about three feet behind him, the length of the block. SIX came from behind and overtook Plaintiff and Kathy on their right while continually glaring at Plaintiff, again

assumed the military-type "at-ease" stance and continued to glare fiercely at Plaintiff.

115. As a direct and proximate result of the continuous and persistent physical displays of ONE through SIX, inclusive, Plaintiff reasonably concluded the entire course of conduct of ONE through SIX was a single continuing action, and as SIX followed three feet behind him, Plaintiff reasonably feared the imminent use of harmful physical force by SIX. Plaintiff's emotional distress was so extreme that he felt physically sick and his legs felt rubbery.

116. At this point in time, one of the objects of Defendants' conspiracy was realized: Plaintiff reasonably concluded that this bizarre continuing harassment and intimidation was related to the subpoena to testify before the grand jury in the US District Court for the District of Columbia, served earlier that day.

117. Simultaneously with Plaintiff's contact with SIX, Defendant SEVEN paced back and forth about 50 feet ahead. SEVEN constantly glared at Plaintiff before, during and after Plaintiff and Kathy passed.

118. Simultaneously with Plaintiff's contacts with SIX and SEVEN, Defendant EIGHT walked directly toward Plaintiff while constantly glaring at him. EIGHT passed on Plaintiff's right and purposely brushed against him while constantly glaring fiercely directly into his eyes, and continued to glare at Plaintiff after he passed.

119. EIGHT'S physical contact with Plaintiff was an offensive, harmful, offensive touching. Plaintiff suffered severe emotional distress. He reasonably feared the imminent use of harmful physical force by Defendants to cause severe bodily harm to himself and to Kathy, and was becoming increasingly distraught.

120. Simultaneously with Plaintiff's contacts with SIX and EIGHT, Defendant NINE stood on the northwest corner of R Street and Connecticut Avenue.

121. The simultaneous harassment by SIX, EIGHT and NINE, immediately following the back-to-back harassment of ONE through SIX, inclusive, caused Kathy extreme emotional distress. She became panic-stricken and struggled to keep from crying. Plaintiff feared for Kathy as well as himself.

122. As soon as Plaintiff and Kathy began to cross the street at the intersection, NINE, while continually staring at Plaintiff, crossed the street so that he reached the corner at the same time as Plaintiff. Plaintiff and Kathy walked arm-in-arm southbound, whereupon NINE walked southbound to the left and three feet abreast of Kathy while looking over Kathy and directly at Plaintiff's face. Plaintiff and Kathy increased their pace, whereupon NINE also increased his pace. After Plaintiff was ahead of NINE, Kathy and Plaintiff stopped in front of a restaurant window. NINE passed by slowly while continuously glaring at Plaintiff's face, stopped three doors down, and intermittently looked to his right at Plaintiff. Plaintiff and Kathy resumed walking southbound, whereupon NINE walked southbound while looking back at Plaintiff every few seconds. Plaintiff and Kathy slowed their pace almost to a stop. NINE did the same. Plaintiff and Kathy stopped. NINE stopped and again looked at Plaintiff and Kathy every few seconds.

123. As NINE walked abreast of Plaintiff while glaring directly at him, Plaintiff again felt his legs become rubbery as he continued to suffer extreme emotional distress from the fear of imminent use of harmful physical force by NINE.

124. As Plaintiff and Kathy walked southbound approximately ten minutes after Plaintiff's contact with NINE, a southbound car driven by Defendant TEN proceeded past them very slowly. TEN pulled the car to the curb about a half-block ahead of them, exited the car, and walked toward Plaintiff and Kathy. TEN stopped then looked at them. As Plaintiff approached, TEN walked to a point about 30 feet south and glared intensely at Plaintiff as he passed. After Plaintiff and Kathy proceeded about another 75 feet, TEN opened and reached inside the car's passenger door and pulled out a telephone or walkie-talkie and spoke into it while looking in Plaintiff's direction.

125. When TEN reached inside the passenger's side door of the car, Plaintiff reasonably believed TEN might be retrieving a gun, and Plaintiff and Kathy again reasonably entertained thoughts they might be harmed.

126. Approximately fifteen minutes after Plaintiff's contact with TEN, Plaintiff and Kathy sat in the downstairs dining area of a restaurant, whereupon Defendant ELEVEN stood in the mall area looking directly at them for approximately one minute. About three minutes later, ELEVEN walked down the stairs and through the dining area, where he slowed his pace while staring directly at Plaintiff. About fifteen seconds later, ELEVEN walked back through the dining area and again slowed his pace and stared directly at Plaintiff, then proceeded back up the stairs. Approximately five minutes later, ELEVEN reappeared in the mall area staring down at Plaintiff.

127. On **Friday, October 27th, 1995**, the day following Plaintiff's contacts with Defendants ONE through ELEVEN, the next time Plaintiff went out in public, at around 9:30 a.m., Plaintiff and Kathy walked northbound. A northbound black Nissan Altima, bearing a Maryland license plate, with Defendant TWELVE driving and Defendant THIRTEEN in the passenger's seat, drove by very slowly. TWELVE and THIRTEEN stared directly at Plaintiff. Approximately one minute later, the car came back southbound, slowed when it reached Plaintiff, whereupon TWELVE and THIRTEEN again stared directly at Plaintiff.

128. Upon information and belief, Plaintiff avers that the car occupied by Defendant TWELVE and Defendant THIRTEEN was a federal government vehicle.

129. The same day of Plaintiff's contacts with TWELVE and THIRTEEN, October 27th, 1995, shortly before 1:00 p.m., Christopher Ruddy (hereinafter "Ruddy") visited Plaintiff at Plaintiff's apartment. At the time, Plaintiff did not know Ruddy and was unfamiliar with Ruddy's work. Plaintiff and Ruddy walked eastbound. It was the next time Plaintiff had ventured out in public. Approximately two minutes after they left Plaintiff's building, Defendant FOURTEEN crossed the street so that they all reached the

corner at the same time. FOURTEEN glared at Plaintiff, raised his eyebrows and from the waist pointed his finger at Plaintiff as if to say "gotcha." FOURTEEN then walked on. Ruddy approached FOURTEEN, produced his journalist ID, and spoke to FOURTEEN, whereupon FOURTEEN introduced himself as "Joe Colter," said he had worked at the White House, a World Bank organization, as an advisor to Bill Clinton, and currently works for an international technology business.

130. FOURTEEN reintroduced himself and shook Plaintiff's hand while saying, "I didn't hear your name." Plaintiff said "Patrick Knowlton," whereupon FOURTEEN gave Plaintiff's hand a hard squeeze and while leaning forward and glaring into his eyes, said, "Nice to meet you, Mr. Knowlton."

131. Plaintiff reasonably understood FOURTEEN's pointing his finger as if to say "gotcha" as a direct threat of harm. When FOURTEEN spoke to Plaintiff, Plaintiff reasonably believed that FOURTEEN's purpose for stopping was to show Plaintiff that FOURTEEN knew exactly who he was. Plaintiff experienced severe emotional distress and felt and appeared physically ill.

132. Simultaneously with Plaintiff's conversation with FOURTEEN, Defendant FIFTEEN watched from his position standing on the sidewalk about sixty feet away. FIFTEEN approached and, while ignoring FOURTEEN and Ruddy, stared directly at Plaintiff's face for about thirty seconds. FIFTEEN then left.

133. When FIFTEEN approached, Plaintiff became extremely distressed that FOURTEEN and FIFTEEN intended to assault Plaintiff.

134. Approximately thirty seconds after Plaintiff's contacts with FOURTEEN and FIFTEEN, as Ruddy and Plaintiff continued walking around Washington Circle, a white Honda bearing Virginia license plates number NY 7534 stopped in a no-parking zone in the northbound lane of 23rd Street, at Washington Circle. Defendant AYMAN ALOURI drove the car. Defendant ABDEL ALOURI occupied the passenger's seat. AYMAN ALOURI and ABDEL

ALOURI continuously stared in Plaintiff's direction as Plaintiff crossed in front of the car and proceeded around the circle. AYMAN ALOURI drove the car very slowly onto the circle and past Plaintiff while ABDEL ALOURI continuously glared at Plaintiff. The car went around the circle, out of sight. Seconds later the car approached them from behind and drove slowly past as both AYMAN ALOURI and ABDEL ALOURI glared at Plaintiff. The car stopped about sixty feet ahead, whereupon AYMAN ALOURI and ABDEL ALOURI adjusted the car's mirrors to watch Plaintiff. Ruddy and Plaintiff walked in the direction of the car and observed the license plate just before AYMAN ALOURI drove the car through a red light and sped away.

135. When AYMAN ALOURI and ABDEL ALOURI circled back and came alongside them, Plaintiff was again fearful of being in danger of imminent harmful physical force.

136. License plate NY 7534 was registered to a blue Honda owned by AYMAN ALOURI, but the car Plaintiff observed on October 27, 1995, to which plate NY 7534 was affixed, was white in color. AYMAN ALOURI had removed his plate and affixed it to a different car.

137. In August of 1996, during the time when Plaintiff was publicizing the facts of his case, in a further effort to hide his wrongful participation in the conspiracy, Defendant AYMAN ALOURI reported to the Virginia Department of Motor Vehicles that he had "lost" license plate numbered NY 7534. On August 20, 1996, the Department of Motor Vehicles issued Virginia plate number ZJG 4219 in its place.

138. Approximately thirty seconds after Plaintiff's contact with AYMAN ALOURI and ABDEL ALOURI, as Plaintiff and Ruddy continued eastbound, Defendant SIXTEEN approached while staring directly at Plaintiff's face as he passed. SIXTEEN then walked ahead of Plaintiff and Ruddy. As Plaintiff and Ruddy walked slowly for the next half block, SIXTEEN looked back at Plaintiff every few seconds.

139. As a direct and proximate result of the continuous and persistent physical displays of the aforementioned eighteen Defendants, Plaintiff reasonably concluded the entire course of conduct of the Defendants was a single continuing action, reasonably feared the imminent use of harmful physical force, and suffered extreme emotional distress. He felt overwhelmed, and again felt physically sick.

140. Simultaneously with Plaintiff's contact with SIXTEEN, as Plaintiff approached the middle of the block, Defendant SEVENTEEN passed them on Ruddy's left while staring at Plaintiff. When SEVENTEEN got about five paces in front of them, Ruddy approached him and tried to speak to him, whereupon SEVENTEEN walked into children's health clinic.

141. As Plaintiff and Ruddy continued to walk eastbound, SIXTEEN stood on the sidewalk about 60 feet ahead looking in their direction. SIXTEEN then resumed walking eastbound ahead of them, then turned right on 21st Street. Plaintiff and Ruddy followed as SIXTEEN walked eastbound in front of the 2000 Penn Mall.

142. As Ruddy and Plaintiff entered that block, Defendant EIGHTEEN walked directly toward Plaintiff while giving Plaintiff a constant purposeful glare. EIGHTEEN passed Plaintiff on his right, continuously glaring at him.

143. Five minutes later, as Plaintiff and Ruddy exited the 2000 Penn Mall, SIXTEEN and EIGHTEEN stood conversing 50 feet to their right. EIGHTEEN looked toward Plaintiff and Ruddy, and began walking toward them. SIXTEEN then raised his left wrist to his mouth and spoke into his coat sleeve and crossed 20th Street. Ruddy and Plaintiff then followed SIXTEEN down a set of stairs into a delicatessen, where Ruddy approached SIXTEEN and asked him if he was with a federal law enforcement agency. SIXTEEN replied, "Something like that," and walked away.

144. As Plaintiff neared the steps out of the delicatessen, Defendant SIX stood at the top of the stairs staring down at Plaintiff. As Plaintiff climbed the steps, Defendant SIX descended the steps past Plaintiff while constantly staring fiercely at him.

145. When Plaintiff recognized SIX from the day before, he suffered severe emotional distress from the firm belief that the entire course of conduct of all Defendants was a single continuing action. As SIX descended the steps past him, Plaintiff reasonably feared the imminent use of harmful physical force, suffered further emotional distress, and again felt physically sick.

146. Approximately three minutes later, Plaintiff exited the building and sat down alone at a sidewalk table and tried to regain his composure, whereupon Defendant NINETEEN pushed Plaintiff's chair from behind, and walked past him while glaring. As Ruddy exited the building, Plaintiff approached him and pointed out NINETEEN, who was looking in a bank window and intermittently peering at Plaintiff.

147. NINETEEN'S physical contact with Plaintiff was an offensive, harmful, offensive touching.

148. Defendant TWENTY then walked past Plaintiff while glaring at him.

149. As a direct and proximate cause of Defendants' intensified campaign of continuous and persistent harassment and intimidation by wrongful overt acts of the aforementioned 22 Defendants, Plaintiff suffered extreme emotional distress and feelings of being overwhelmed, to the point where Plaintiff could feel his body shaking.

150. As Plaintiff sat in the passenger's seat with Ruddy sitting in the driver's seat of a Jeep, Defendant TWENTY-ONE approached the rear of the Jeep and paused staring at the license plate. TWENTY-ONE walked next to where Plaintiff was seated while staring at Plaintiff, then around to the front of the Jeep, where he stared at the front plate, whereupon Plaintiff snapped a photograph of TWENTY-ONE.

151. Later that afternoon, the Deputy Independent Counsel employed in the Washington, DC Office of the Independent Counsel received actual notice that Plaintiff was the target of an orchestrated

campaign of harassment and intimidation. The Office of Independent Counsel and its FBI agents failed and refused to respond until the following week.

152. On **Saturday, October 28, 1995**, at approximately 12:15 a.m., Defendant TWENTY-TWO rang the doorbell to Plaintiff's apartment as Plaintiff slept. Plaintiff called out "Who's there?" TWENTY-TWO knocked on Plaintiff's door, then departed. Plaintiff believes and therefore alleges that it was TWENTY-TWO who several times earlier that evening harassed Plaintiff by calling his apartment from the lobby telephone, and hung up when the telephone was answered.

153. The next time he left his Apartment building, at approximately 9:15 a.m. on Saturday, October 28th, Plaintiff walked west on Pennsylvania Avenue. As Plaintiff approached the corner of 25th Street, Defendant TWENTY-THREE approached on foot from behind. Plaintiff stopped, whereupon TWENTY-THREE slowed his pace. Plaintiff increased his pace, whereupon TWENTY-THREE increased his pace. Plaintiff slowed his step, whereupon TWENTY-THREE did the same. Plaintiff stopped. TWENTY-THREE stopped. Plaintiff again walked, whereupon TWENTY-THREE followed. Plaintiff stopped. TWENTY-THREE hesitated then walked slowly past Plaintiff. After TWENTY-THREE passed, Plaintiff continued to walk about ten feet behind TWENTY-THREE. TWENTY-THREE then slowed his pace almost to a stop. Plaintiff walked quickly past TWENTY-THREE for about another half block. TWENTY-THREE followed briskly. Plaintiff stopped at a sidewalk book display. TWENTY-THREE then stopped and looked in the window of a closed tailor shop. While pretending to look at the books, Plaintiff took out his camera then resumed walking westbound for five or so paces. TWENTY-THREE followed, whereupon Plaintiff quickly turned around and snapped a photograph of TWENTY-THREE, with the flash. TWENTY-THREE said nothing and walked past Plaintiff.

154. The FBI has had the identity of Defendant TWENTY-THREE since at least as of November 6, 1995, but has failed and refused to provide Plaintiff TWENTY-THREE's identity.

155. On **Monday, October 30, 1995** at around noon, four days after the harassment began, and three days after the OIC and FBI received actual notice of it, BRANSFORD finally telephoned Plaintiff and agreed to visit Plaintiff later that day. Plaintiff asked that BRANSFORD call Plaintiff in advance of his visit so Plaintiff's lawyer could be present. BRANSFORD tried to talk Plaintiff out of having counsel present, but at Plaintiff's insistence, BRANSFORD reluctantly agreed to call in advance of his visit.

156. That afternoon, BRANSFORD called from his car telephone while parked in front of Plaintiff's building, despite his having agreed to call Plaintiff in advance of his visit so Plaintiff's counsel could be present. Plaintiff asked BRANSFORD to wait fifteen minutes so that Plaintiff could telephone his lawyer so Plaintiff's lawyer would be present during the interview. BRANSFORD again tried to talk Plaintiff out of having counsel present, but at Plaintiff's insistence, BRANSFORD reluctantly agreed to wait fifteen minutes for the arrival of counsel.

157. Plaintiff hung up his telephone then picked it up to telephone his lawyer. Plaintiff's telephone line was dead.

158. In violation of his agreement to wait fifteen minutes for the arrival of Plaintiff's counsel, BRANSFORD arrived at Plaintiff's door two or three minutes later.

159. Plaintiff remarked that his telephone had inexplicably gone dead, whereupon BRANSFORD immediately remarked something like, "If there was a phone tap on there, or if we did something to your phone, you'd never know it, they're totally undetectable." BRANSFORD unbuttoned his suit jacket to display his weapon, and, during their conversation, BRANSFORD grinned at Plaintiff as if he knew exactly what had happened to Plaintiff. BRANSFORD refused to provide Plaintiff protection, explained that he had been detailed to the Fiske probe, that he had been "kept on" by Mr. Starr's office, and that he had worked with MONROE. Plaintiff asked BRANSFORD whether Plaintiff should trust him, whereupon BRANSFORD leaned forward, and, while grinning at

Plaintiff, responded, "I don't know Mr. Knowlton, that's a good question." Plaintiff ordered BRANSFORD out of his home, whereupon Plaintiff's telephone rang and his telephone service was immediately restored.

160. Upon information and belief, Plaintiff avers that BRANSFORD purposely disabled Plaintiff's telephone to prevent Plaintiff from contacting his lawyer, that BRANSFORD was carrying a wireless transmitter and that another FBI agent was monitoring their conversation, and that this other FBI agent called Plaintiff's telephone number to signal BRANSFORD to exit Plaintiff's apartment when Plaintiff became upset and ordered BRANSFORD out of Plaintiff's apartment.

161. BRANSFORD's efforts in twice trying to talk Plaintiff out of having counsel be present, and BRANSFORD'S twice disregarding his agreement to let Plaintiff contact counsel in advance of his arrival to interview Plaintiff, were intended to give Defendant BRANSFORD the opportunity to further intimidate and cause Plaintiff emotional distress unhindered by the presence of counsel.

162. On **Wednesday, November 1, 1995,** Plaintiff testified before the District of Columbia federal Whitewater grand jury investigating the death of deputy White House counsel Vincent Foster. Prosecutors questioning Plaintiff during his grand jury appearance were apprised before Plaintiff's appearance of his reports of being harassed by 25 or more men, and Plaintiff was relieved to have the opportunity to report to authorities the facts of the intimidation he had suffered.

163. When Plaintiff testified on November 1, 1995, deputy Independent Counsel failed to introduced himself, sat behind Plaintiff and passed notes to the associate Independent Counsel, who questioned him while resting his head on his hand, as if Plaintiff's testimony was little more than an annoyance.

164. During two and a-half-hours of testimony, Counsel asked Plaintiff about what occurred at Fort Marcy Park and his prior statements to MONROE for about an hour. During this time, Counsel referred to MONROE's false statements in his reports of

interviews with Plaintiff as "alleged misquotes," and referred to the overwhelming campaign of intimidation that Plaintiff had just suffered as the "alleged harassment."

165. During the balance of the time, associate Independent Counsel insinuated that Plaintiff was a liar, a homosexual, and a publicity hound. Counsel repeatedly asked Plaintiff to explain his relationship with the two men who resided part-time in his Etlan, Virginia residence. It was a joint real estate venture, at the time owned by Plaintiff and the two men.

166. When Plaintiff demanded to know who had sent agent BRANSFORD to his home on October 30, 1995, deputy Independent Counsel, seated behind Plaintiff, spoke for the first and only time, "We sent BRANSFORD."

167. Towards the end of his appearance before the grand jury, associate Independent Counsel asked Plaintiff to step out of the room so that Counsel could ask the grand jurors whether they had any questions for Plaintiff. When Plaintiff returned, associate Independent Counsel asked Plaintiff, among other things, whether the suspicious acting man in the park talked to Plaintiff, passed him a note, confronted Plaintiff in any way or pointed a gun at Plaintiff. Counsel then asked Plaintiff a question that was coarse, insulting, injurious, hurtful, offensive, and outrageous. Plaintiff was appalled. Counsel then followed up by asking Plaintiff why he called the police and did not wait for the police to call him, and sarcastically if he came forward because he is a "good citizen" and a "Good Samaritan."

168. Prosecutors' ill-treatment of Plaintiff during his appearance before the grand jury, in response to Plaintiff's attempts to tell the truth and to be a responsible citizen, was excessive, improper, malicious and outrageous, and was a patent abuse and perversion of the grand jury process. Plaintiff's experience in being treated so contemptuously and disrespectfully by associate and deputy Independent Counsels, who are recognized authority figures, in front of the grand jurors, on the heels of having suffered the effects of the overwhelming campaign of intimidation, caused Plaintiff further grief. Plaintiff's distress associated with prosecutors'

mistreatment of him before the grand jury was a direct and proximate result of the overall conspiracy and its subsidiary conspiracy to intimidate him.

169. Defendants accomplished their object of discrediting Plaintiff before the grand jurors.

170. Defendants also accomplished their object of publicly discrediting Plaintiff. On November 24, 1997, a book review entitled *The Secret Life of Ambrose Evans-Pritchard,* written by Michael Isikoff, appeared in the widely circulated Weekly Standard Magazine. In it, Isikoff wrote:

* * *

> Evans-Pritchards' work, such as it is, consists of little more than wild flights of conspiratorial fancy coupled with outrageous and wholly uncorroborated allegations offered up by his "sources" - largely a collection of oddballs... and borderline psychotics.
>
> * * *
>
> Back in Washington, Evans-Pritchard breaks one of his big stories: Patrick Knowlton, a construction worker who stopped to urinate at Fort Marcy Park on the afternoon of Vince Foster's death and -- here's the key part -- recalls seeing a mysterious Hispanic-looking" man lingering around the parking lot. No sooner has Evans-Pritchard popped this bombshell in the *Telegraph* than, Knowlton reports, menacing-looking men in business suits begin following him and staring really hard at him...
>
> * * *
>
> But for the moment I prefer my own conspiracy theory: Evans-Pritchard doesn't believe a word he has written... designed to discredit critics of the Clinton White House by

making them look like a bunch of blithering idiots.

* * *

The next day, November 25, 1997 another book review, entitled *Conspiracy Central*, authored by Jacob Cohen, appeared in the widely circulated National Review Magazine. In it, Cohen wrote:

* * *

> ...Patrick Knowlton, who claims that he came to the park at 4:30 on the afternoon of July 20 to relieve himself, and at that time saw in the parking lot a brown Honda with Arkansas plates...
>
> * * *
>
> He insists that a very sinister-looking man was hovering around the parking lot and may have monitored his peeing... Knowlton seems to have a penchant for seeing the sinister in the glances of those he meets... Mysterious cars follow him, he says. Carefully organized teams of men constantly pass him and his girlfriend on the streets, giving them very menacing stares... Apparently, they are present during every walk Knowlton takes, so that any experimental stroll will reveal them. One wonders, is there a school that teaches federal agents this methodology of intimidation?

171. On **Thursday, November 2, 1995** at about 3:30 p.m., as Plaintiff exited the elevator of his apartment building, Defendant TWENTY-FOUR stood outside with his back to the building. TWENTY-FOUR entered Plaintiff's building, made eye contact with Plaintiff, acted startled and immediately turned around and walked out the door. TWENTY-FOUR loitered in front of the building entrance. Plaintiff walked out the door and walked to his right, whereupon TWENTY-FOUR followed. Plaintiff continued to the corner and retrieved a paper from the newspaper box, looked up and

saw TWENTY-FOUR looking down and reaching into his bag with his right hand. TWENTY-FOUR looked up and made eye contact with Plaintiff and immediately yanked his hand out of the bag and dropped the bag to his side. After Plaintiff and TWENTY-FOUR walked past one another, Plaintiff reversed course and walked toward TWENTY-FOUR, whereupon TWENTY-FOUR turned and ran.

172. As Plaintiff observed TWENTY-FOUR reach into his bag, Plaintiff reasonably believed TWENTY-FOUR intended to retrieve a handgun to shoot Plaintiff.

Other overt acts in furtherance of the conspiracy

173. Additional overt acts in furtherance of the overall conspiracy to obstruct justice concerning the federal investigations into Mr. Foster's death, not mentioned above, are intimately connected to and blended with the facts of the violations of 42 U.S.C. § 1985(2) alleged.

174. The publicly available record in the Foster case contains evidence of numerous overt acts in furtherance of the overall conspiracy by FBI agents, including but not limited to:

(1) The FBI failed to conduct an official investigation in violation of 18 U.S.C. 1751;

(2) The FBI removed evidence from Mr. Foster's desk before the locks were changed at 10:30 p.m., July 21, 1993;

(3) The FBI concealed that significant irregularities occurred during the US Park Police investigation;

(4) Contrary to the Fiske report, when authorities arrived at Fort Marcy Park, there were more than two cars in the parking lot;

(5) The Fiske Report deceptively omitted the fact that two key rings including Mr. Foster's car

keys were found in his pocket at the morgue after police had failed to discover any keys during their thorough body search at Fort Marcy Park;

(6) The Fiske Report concealed that the brown Honda, with a briefcase in it, vanished from Fort Marcy Park;

(7) Based on her prior U.S. Park Police interview, the FBI knew that Mrs. Foster could not identify the black Colt Army .38 Special revolver found at Fort Marcy Park as being a gun owned by the family, so the agents showed her a silver gun similar to a family owned gun and then falsely reported that she had identified the gun found in Mr. Foster's hand at Fort Marcy Park;

(8) The Fiske Report concealed that a semi-automatic pistol was found in Mr. Foster's hand before the revolver was placed in his hand;

(9) The FBI ignored forensic evidence found on Mr. Foster's clothing;

(10) The wound to Mr. Foster's head, as well as the the amount of blood at the scene, is not consistent with his having died at the scene by a point blank shot into the mouth from the official death weapon;

(11) The FBI concealed that a US Park police officer saw a branch lying across Mr. Foster's body;

(12) The FBI ignored that the absence of soil on Mr. Foster's shoes is inconsistent with his having walked some 700 feet on dirt paths to

the spot where his body was officially found;

(13) Fiske ignored that it is inconceivable for Mr. Foster's glasses to have been thrown or bounced 19 feet uprange through foliage to the location where they were found;

(14) The FBI Laboratory concealed that the 35-millimeter roll of film taken at the park produced usable photographs, and the Fiske Report concealed that many of the death scene Polaroid photographs mysteriously vanished;

(15) The Fiske Report states that Mr. Foster was taking medication for depression but he was not;

(16) The Fiske Report concealed that Foster's doctor and long-time friend with whom he had consulted the day before he died opined that Mr. Foster was not depressed;

(17) The FBI falsely reported that those close to Mr. Foster said he was deeply depressed;

(18) The FBI knew Mr. Foster had gained weight, but reported that he lost weight to buttress the claim that he was clinically depressed;

(19) Mr. Fiske stated that no autopsy x-rays were taken without investigating significant evidence that x-rays were in fact taken; and

(20) The FBI lab reported that the "suicide note" was written by Mr. Foster, but it was forged.

175. On July 15, 1997, the Office of Independent Counsel, *In re Madison Guarantee Savings & Loan Association*, filed with the United States Court of Appeals for the DC Circuit, Special Division for the purpose of Appointing Independent

Counsels, its Report on the Death of Vincent W. Foster, Jr. This Report is replete with overt acts in furtherance of the conspiracy. A partial list of these acts, not heretofore mentioned, is as follows:

(1) FBI's substantial participation in the first 16-day investigation is concealed by the OIC;

(2) The OIC concealed that there is no record of Mr. Foster's having left the White House complex alive;

(3) OIC conceals the existence of an old, secluded road at Fort Marcy, 650 feet from the body site;

(4) OIC conceals that the day before the death, a man was seen by this road acting suspiciously;

(5) OIC conceals that Park Police and Fire & Rescue workers knew by 6:35 p.m. that Mr. Foster was employed at the White House but that officially, the White House was not notified until about 8:30 p.m.;

(6) OIC conceals that William Kennedy testified he learned of Mr. Foster's death "around 8:00";

(7) OIC conceals that David Watkins learned of Mr. Foster's death before 8:00;

(8) FBI claimed it did not learn of the death until press accounts appeared on Wednesday, July 21;

(9) OIC concealed the Medical Examiner's Report of Investigation, documenting the bullet wound in Mr. Foster's neck;

(10) OIC concealed that there is no record of any of 25 persons who viewed the body before the autopsy having seen an exit wound in Mr. Foster's head;

(a) Arthur testified there was no exit wound;

(b) Investigator Rolla probed the head, felt a mushy" spot, thought the skull appeared fractured and that the bullet might still be in the head;

(c) Other than Dr. Haut's report of the neck wound, the only record of an exterior wound seen by Dr. Haut is that it was inconsistent with the official death weapon;

(d) Paramedic Ashford related that the head was intact and coded the death a homicide;

(e) No record of Dr. Julian Orenstien, who viewed the body twice at the Hospital, ever having seen an exit wound;

(11) OIC conceals that bloodstains are consistent with the neck wound, but not with the official mouth wound;

(a) Blood present on Mr. Foster's neck, in his mouth, collar, right-side and back-side of shirt is consistent with its having drained from the neck wound;

(b) OIC posits that (because no neck wound existed) the blood on Mr. Foster's right side had drained from his mouth when an "early observer"

moved the head to check for a pulse, then repositioned it;

i. OIC conceals that no one admitted to having moved the head or seen it being moved, and that no one tried resuscitation because Mr. Foster clearly appeared to have been dead for some time;

ii. OIC conceals that the blood on the right shoulder and shirt could not have been caused by an "early observer" because all early observers saw these stains on Mr. Foster's right shoulder as they arrived;

(12) OIC's claim of "blood-like stains" on the vegetation is contradicted by the accounts witnesses at the body site;

(13) Blood drainage could have been limited by bandaging the body before moving it to the park;

(a) OIC claims Mr. Foster's neck or head couldn't have been bandaged before the body was moved because the blood spatters weren't smudged;

(b) There were no such blood spatters to be smudged;

(14) Other claims of blood evidence contradicted by the evidence;

(a) OIC claims blood was visible on both sides of both eyeglass lenses, but

conceals that a year earlier the FBI's serological analysis was negative;

(b) OIC's finding of blood on the gun contradicted by earlier FBI lab report of "no definitive conclusion;"

(c) OIC's claim that lack of blood on the shoes indicates the body was not moved, yet in 1994 the FBI found blood on the shoes;

(15) OIC claims Dr. Lee found powder in the soil where Mr. Foster was found, but omits that the FBI claimed to have dug this area eighteen inches a year earlier;

(16) OIC conceals that Mr. Foster's car keys were not at Fort Marcy Park by falsely reporting that (1) Rolla had "simply missed" the keys when he "patted" the pockets at the park (2) the Police had retrieved the keys before Kennedy and Livingstone visited the morgue and (3) Kennedy and Livingstone were not allowed in the same room as the body;

(a) OIC's claim that Rolla had "simply missed" two sets of keys when he "patted" Mr. Foster's pockets at the park is contradicted by the accounts of Rolla and at least two other Park Police;

i. Rolla twice testified that he had searched and emptied the pants pockets;

ii. Rolla's search of the pocket was thorough enough to rule out its containing a suicide

note, according to Braun;

iii. Hodakievic "specifically" recalled Rolla check the front pockets;

(b) OIC falsely claims that Kennedy and Livingstone could not later have placed the keys in the pocket because they visited the morgue after police had retrieved the keys at the morgue;

i. OIC's chronology is contradicted by accounts of Park Police & Secret Service;

ii. OIC's chronology is contradicted by accounts of Kennedy & Livingstone;

iii. OIC's chronology is contradicted by accounts of White House personnel Marsha Scott, Web Hubbell, Bill Burton, Mac McLarty, Jane Sherburn, and George Stephanopoulos;

(c) OIC's claim that Kennedy and Livingstone were not allowed in the room with the body contradicted by Rolla's testimony;

(17) OIC conceals that there were other unidentified persons at Fort Marcy;

(18) OIC cites lack of dragging-type soil patterns on Mr. Foster's clothes as evidence that he was not dragged through the park, yet his

body slid down a steep embankment after which police dragged him back up;

(19) OIC claims dirt on the shoes was visible to the naked eye, a year after the FBI had reported that the lab analysis found "no coherent soil;"

(20) OIC claims to have found a bone fragment from clothing years after FBI lab found none after analysis of debris from clothing;

(21) Mr. Foster would have to have been wearing gloves to have torn up his "suicide note" because tearing would have resulted in numerous thumb and forefinger prints on both sides of the paper, but there were no prints;

(22) OIC conceals that the first investigation was closed without having tested the official death weapon to see if it could fire;

(23) OIC's hired a suicidologist, who conducted "psychological autopsy" and concluded to "100% medical certainty" that Mr. Foster committed suicide;

(a) OIC's psychologist published paper in which he notes that "the psychological autopsy is speculative;"

(b) Experts maintain psychological autopsy is advisory, not conclusive, because it is a research diagnoses without face-to-face interview of subject.

Count I
(Conspiracy to interfere with Civil Rights in violation of 42 U.S.C. § 1985(2), Obstructing justice)
All Defendants

176. Plaintiff incorporates paragraphs 1 through 175 as if fully repeated here.

177. Conduct alleged supports the reasonable inference that the object of the overall conspiracy was to obstruct federal investigations into the death of Vincent W. Foster.

178. All wrongful acts alleged herein were commenced by agreement, concert of action, a meeting of the minds or the pursuit of conspiratorial objectives by and between named or unnamed Defendants. All Defendants are conspirators.

179. Because overt acts directed at Plaintiff were the reasonably foreseeable, necessary or natural consequences of the overall conspiracy to obstruct justice in connection with the investigations into Mr. Foster's death, each member of that overall conspiracy is liable for Plaintiff's damages simply by virtue of his participation in that conspiracy.

180. Each Defendant designated herein is responsible in some way for overt acts of his fellow conspirators. Accordingly, each allegation against an individual named Defendant should be read to include and be made against all Defendants, and all Defendants are jointly and severally liable for Plaintiff's compensatory damages.

181. The continuous and persistent course of Defendants' intentional wrongful conduct establishes that the entire course of conduct was a single continuing action, and that there was a meeting of the minds between two or more Defendants.

182. Defendants, and each of them, commenced by express or implied agreement, concert of action, communications, or a meeting of the minds, a conspiracy to harass, intimidate, and psychologically attack Plaintiff by means of overt acts intended to

accomplish the objects of the subsidiary conspiracy, to wit, to obstruct justice by deterring Plaintiff from testifying freely, fully and truthfully before the grand jury by intimidating and warning him, or alternatively to destabilize and discredit Plaintiff.

183. Acts alleged herein were violations of 42 U.S.C. § 1985(2) as overt acts of two or more Defendants in furtherance of a conspiracy to deter by intimidation or threat, Plaintiff, a grand jury witness in US District Court for the District of Columbia, from attending the grand jury proceeding, or from testifying to matters pending therein freely, fully, and truthfully.

184. All Defendants acted to violate statutory rights vested in Plaintiff, or acted with intent to cause Plaintiff harm or damage.

185. Wrongful acts of Defendant TWENTY-FOUR constitute a violation of 42 U.S.C. § 1985, prohibiting conspiracy to retaliate against and to injure Plaintiff on account of his having attended and testified as a witness in a Court of the United States.

186. Defendants' outrageous wrongful conduct was willful, wanton, oppressive, and in reckless disregard of the civil rights of Plaintiff, entitling Plaintiff to an award of punitive damages.

WHEREFORE, Plaintiff Patrick James Knowlton demands that judgment be entered in his favor:

(1) Against all Defendants, jointly and severally, an award of compensatory damages in an amount that the jury deems just and proper;

(2) Against each and every Defendant, separately, punitive damages in an amount the jury deems just and proper; and

(3) Against all Defendants, jointly and severally, an amount equal to reasonable attorneys' fees and costs associated with the prosecution of this action, pursuant to 42 U.S.C. § 1988.

Count II
(Intentional Infliction of Emotional Distress)
All Defendants

187. Plaintiff incorporates paragraphs 1 through 186 as if fully repeated here.

188. As a further object of the conspiracy, Plaintiff avers that Defendants, and each of them, intended to subject Plaintiff to severe emotional distress and harm.

189. By virtue of and as a direct and proximate cause of Defendants' intentional wrongful conduct, Plaintiff suffered, continues to suffer, and probably will suffer in the future, severe emotional distress. Defendants' wrongful conduct has had significant effects on Plaintiff's overall well being, which effects include but are not limited to:

(a) Depression and anxiety;
(b) Intense fear of personal harm and feelings of being overwhelmed and vulnerable;
(c) Impaired concentration, withdrawal, irritability, preoccupied and tense moods;
(d) Stomach and intestinal disorders and sleep and appetite disturbances;
(e) Loss of interest in sexual and exercise and other routines;
(f) An exaggerated startle response; and
(g) Loss of confidence and feelings of degradation and shame.

WHEREFORE, Plaintiff Patrick James Knowlton demands that judgment be entered in his favor:

(1) Against all Defendants, jointly and severally, an award of compensatory damages in an amount that the jury deems just and proper; and

(2) Against each and every Defendant, separately, punitive damages in an amount the jury deems just and proper.

Count III
(Assault)
Defendants FIVE, SIX, SEVEN, EIGHT, NINE, TEN, FOURTEEN, FIFTEEN, SIXTEEN, SEVENTEEN, NINETEEN, TWENTY, TWENTY-FOUR

190. Plaintiff incorporates paragraphs 1 through 189 as if fully repeated here.

191. As a direct and proximate cause of the threatened use of imminent harmful physical force and other physical displays by Defendants FIVE, SIX, SEVEN, EIGHT, NINE, TEN, FOURTEEN, FIFTEEN, SIXTEEN, SEVENTEEN, NINETEEN, TWENTY and TWENTY-FOUR, Plaintiff reasonably feared immediate and severe bodily harm.

WHEREFORE, Plaintiff Patrick James Knowlton demands that judgment be entered in his favor:

(1) Against Defendants FIVE, SIX, SEVEN, EIGHT, NINE, TEN, FOURTEEN, FIFTEEN, SIXTEEN, SEVENTEEN, NINETEEN, TWENTY, and TWENTY-FOUR, jointly and severally, an award of compensatory damages in an amount that the jury deems just and proper; and

(2) Against Defendants FIVE, SIX, SEVEN, EIGHT, NINE, TEN, FOURTEEN, FIFTEEN, SIXTEEN, SEVENTEEN, NINETEEN, TWENTY, and TWENTY-FOUR, separately, punitive damages in an amount the jury deems just and proper.

Count IV
(Battery)
Defendants EIGHT and NINETEEN

192. Plaintiff incorporates paragraphs 1 through 194 as if fully repeated here.

193. Conduct of Defendants EIGHT and NINETEEN was an offensive, harmful, offensive touching, and was a battery.

WHEREFORE, Plaintiff Patrick James Knowlton demands that judgment be entered in his favor:

(1) Against Defendants EIGHT and NINETEEN, jointly and severally, an award of compensatory damages in an amount that the jury deems just and proper; and

(2) Against Defendants EIGHT and NINETEEN, separately, punitive damages in an amount the jury deems just and proper.

Counts V
(Civil Conspiracy)
All Defendants

194. Plaintiff incorporates paragraphs 1 through 193 as if fully repeated here.

195. The facts alleged constitute a civil conspiracy. Wrongful acts alleged herein were overt acts of two or more Defendants in furtherance of a civil conspiracy.

WHEREFORE, Plaintiff Patrick James Knowlton demands that judgment be entered in his favor:

(1) Against all Defendants, jointly and severally, an award of compensatory damages in an amount that the jury deems just and proper; and

(2) Against each and every Defendant, separately, punitive damages in an amount the jury deems just and proper.

Plaintiff demands trial by jury.

Verification

I hereby certify and affirm that to the best of my information, knowledge, and belief, the foregoing facts are true and correct.

/S/
Patrick Knowlton

Respectfully submitted,

/S/
John H. Clarke
Bar # 388599
Attorney for Plaintiff
1730 K Street, NW
Suite 304
Washington, DC 20006
(202) 332-3030

Appendix E

Affidavit of Kathryn Kaplan, October 26, 1995

AFFIDAVIT:

1. My name is Kathryn L. Kaplan.

2. On October 26, 1995, I accompanied Patrick J. Knowlton on a walk from the Foggy Bottom neighborhood in Washington, D.C., to R Street, N.W., above Dupont Circle, and back.

3. I noticed that the individual identified in the Complaint as Defendant John Doe No. 1, and directed Patrick's attention to this individual. I also witnessed the activities of the individuals identified as John Doe No. 2, John Doe No. 5, John Doe No. 6, John Doe No. 7, John Doe No. 9, John Doe No. 10, and John Doe No. 11.

4. On October 27, 1995, I accompanied Patrick on a walk from the Foggy Bottom neighborhood to the CVS Drugstore on Dupont Circle, and back. Enroute to the CVS drugstore, I observed the car described in the Complaint as being occupied by John Doe No. 12 and John Doe No. 13. I wrote down the license plate number.

5. After the encounter with the individual identified in the Complaint as Defendant John Doe No. 6, Patrick and I discussed trying to remember what these men were wearing and what they looked like. At my suggestion and with my help. Patrick and I wrote down the descriptions of these men within 90 minutes of their being observed.

6. At one point, I became so panic-stricken that I had to struggle to keep from crying. I have never witnessed anything like this before or since. It was intentional, coordinated, intimidating, and extremely unnerving.

I declare under penalty of perjury that the foregoing is true and correct.

May 5, 1997
Date

/S/
Kathyrn L. Kaplan

Appendix F
Polygraph Examination Report, Affidavit of Paul K. Minor, May 2, 1997 (10-page Curriculum Vitae not included)

AMERICAN INTERNATIONAL Security Corporation

10805 Main Street • Suite 600 • Fairfax, Virginia 22030
(703) 691-1110

Paul K. Minor
President

POLYGRAPH EXAMINATION REPORT

CLIENT:	EXAMINATION DATE:	TIME IN:	TIME OUT:
John H. Clarke	12-21-95	2:00 PM	3:30 PM

EXAMINEE NAME: Patrick J. Knowlton

DATE AND PLACE OF BIRTH: [Deleted] New York

HOME ADDRESS: [Deleted]

SOCIAL SECURITY NUMBER: [Deleted]

PRESENT EMPLOYER AND POSITION: Self-employed

CITIZENSHIP/ALIEN REG. # : U.S.

PURPOSE OF EXAMINATION:

____ Pre-employment screening XX Specific issue

CONCLUSION:

XX No deception indicated _____ Deception indicated _____ Inconclusive (see information)

INFORMATION: Prior to the polygraph pre-test interview and examination, the examinee read and voluntarily signed the consent/waiver form, which with all other examination material, is retained in our files. Should you need further information, please do not hesitate to contact our office.

Mr. Patrick Knowlton claims he entered Ft. Marcy Park about 1630 hours, July 20, 1993. He requested this examination to verify what he saw there, and to verify what he claims to be subsequent harassment. During the first testing phase the following relevant questions were asked of Knowlton:

A. Have you deliberately lied about what you saw at Ft. Marcy Park on July 20,1993? No.
B. Are you lying about seeing a bluish car and a brown Honda with Arkansas plates? No.
C. Are you lying about seeing a man sitting in the blue car? No.
D. Had you been to Ft. Marcy Park on only one prior occasion? Yes.
E. Did you lie about anything in your Grand Jury testimony of Nov. 1, 1995? No.

During the second phase, the following relevant question was asked:

A. Is the account of harassment true as stated in the report of witness tampering? Yes.

Deception was not indicated to any relevant question.

AFFIDAVIT

1. My name is Paul K. Minor.

2. The content of my POLYGRAPH EXAMINATION REPORT of Patrick J. Knowlton, examined December 21, 1995 is accurate to the best of my knowledge and belief.

I declare under penalty of perjury that the forgoing is true and correct.

5/2/97
Date

/S/
Paul K. Minor

Appendix G
Affidavit of Christopher Ruddy, April 24, 1997

AFFIDAVIT:

1. My name is Christopher Ruddy.

2. I have read the Amended Complaint in the case of Knowlton v. U.S. et al, Civil Action No. 96-2467.

3. Although my recollection of the facts as set forth in paragraphs 544 through 73 of the Amended Complaint differ slightly, my recollection of the facts are essentially the same.

4. On Friday, October 27, 1995, as events unfolded, I believed the actions of the men identified in paragraphs 54 through 73 were an obvious attempt to intimidate, and I still believe so today.

I declare under penalty of perjury that the forgoing is true and correct.

April 24, 1997
Date

/S/
Christopher Ruddy

Appendix H
Affidavit of Gene Wheaton, April 28, 1997 (12-page Curriculum Vitae not included)

AFFIDAVIT

1. My name is Gene Wheaton

2. I have over 20 years experience as state and federal investigator and over 40 years in the criminal justice system, including international police assistance counter terrorism, and security projects related to intelligence. I have qualified as an expert witness in both state and federal court. I have read Mr. Knowlton's report and the Amended Complaint, with interest, and sympathy for Mr. Knowlton.

3. The Assessment Branch of the CIA is the office of all CIA psychologists. In part because of my close association with the Chief, Assessment Branch, CIA, I became extremely knowledgeable of psychological operations (PsycOps) and techniques of the intelligence community. I am aware of intelligence operations conducted by former and retired intelligence officers, as well as active CIA and military intelligence people.

4. In the area of PsycOps, and both intelligence and criminal investigations, there are various methods and purposes in conducting surveillance. I would have to write a book to explain them all, so I'll limit myself to this particular case.

5. Intimidation is one purpose of a close, obvious surveillance. It can be done for any number of reasons, such as forcing someone to cease activities, move his activities out of the area, soften him up for future interrogation, and many other reasons.

6. This case appears to be the misuse of surveillance techniques to scare and intimidate the witness or to destroy his credibility. This surveillance technique could be expected in the are of illegal intelligence operations.

7. The surveillance team, trained in controlling human behavior, have no fears of the surveillance "target" reporting his fears/observations, as this actually plays into the hands of those people. In fact, they want him to report that he is being mysteriously followed. This is to make him appear paranoid and thus destroy credibility as a witness. Many times it actually causes the target to develop long term or permanent emotional/mental problems.

8. I have used this technique as part of counter-terrorism operations in the Middle East, during counter-surveillance of terrorist cells suspected of preparing assassinations of Americans, and aviation-related terrorist acts/plans.

9. I have knowledge of several people who have been subjected to intimidation and other "dirty tricks" harassment. Many of these individuals have been literally destroyed emotionally, professionally, and financially. Some will come forward if a serious investigation of these illegal intelligence tactics is ever instituted.

10. Mr. Clarke has asked me to render an opinion on the following question: Was one of the purposes of actions described in the Amended Complaint to intimidate Mr. Knowlton to try to prevent him from testifying freely, fully and truthfully? In my opinion, provided the events reported in the Amended Complaint are accurately portrayed, my answer is yes.

I declare under penalty of perjury that the foregoing is true and correct.

April 28, 1997
Date

/S/
Gene Wheaton

Appendix I
Affidavit of Ted L. Gunderson, April 23, 1997 (5-page Curriculum Vitae not included)

AFFIDAVIT:

1. My name is Ted L. Gunderson

2. I am a 28 year veteran of the FBI. Since my retirement in 1979 as Senior Special Agent in Charge of the FBI, Los Angeles Division, I have testified many times as an expert witness in both civil and criminal matters.

3. I have reviewed Mr. Knowlton's report and Amended Complaint which contains allegations of witness tampering and a civil rights violation.

4. If called to testify, I would state as follows:

(1) The misrepresentation and falsification in the FBI report of Mr. Knowlton's interview that was shown to Mr. Knowlton by Mr. Evans-Pritchard 18 months later is inexcusable and established possible purposeful falsification and/or negligence on the part of the interviewing agents and/or the agent preparing the report.

(2) The fact that Mr. Knowlton furnished the information to authorities and was not issued a subpoena to testify more than two years later, after Mr. Pritchard's article was published on October 22, 1995, is inexcusable and indicates negligence and/or incompetence and/or a deliberate attempt to obstruct justice by hiding his information.

(3) Mr. Knowlton's allegations of harassment are well documented. That which is described is a technique that I am both aware of and knowledgeable about which his used by government agents and law enforcement officers. This technique is used for

intimidation and to prevent a witness from testifying and/or testifying truthfully and/or cooperating with officials out of fear of harm to the witness or his loved ones.

(4) The reported attempt to discredit Mr. Knowlton by officials is used by government agents and law enforcement officers against witness. I have knowledge of this tactic and know of instances when it has been used.

(Page 1 of 2 pages)

6. The question remains, did the Office of Independent Counsel initiate action to identify the man in the automobile in the park? Did they take appropriate action to investigate the harassment of Mr. Knowlton particularly since they know of at least four individuals who harassed him? Have they taken any steps to reprimand those within their ranks who have not followed through with these matters? Have they taken any action to confirm whether violations of the Federal Statutes have occurred in which Mr. Knowlton is a victim? If not, as an expert witness, I would state that there is an attempt to cover-up these specific violations alleged by Mr. Knowlton and probably to further obfuscate other circumstances concerning Mr. Foster's death.

I declare under penalty of perjury that the foregoing is true and correct to the best of my information, knowledge, and belief.

April 23, 1997 /S/
Date Ted L. Gunderson

(Page 2 of 2 pages)

[emphasis supplied]

Appendix J
Psychiatric Report of Dr. Thomas C. Goldman, M.D., February 26, 1996, Affidavit (Curriculum Vitae, & psychologist's 8-page Curriculum Vitae not included)

THOMAS C. GOLDMAN, M.D.
PSYCHIATRY & PSYCHOANALYSIS
4120 Linnean Avenue, N.W.
Washington, D.C. 20008

Telephone (202) 244-7142

February 26, 1996

John H. Clarke, Esquire
Law Offices
720 Seventh Street, N.W.
Suite 304
Washington, D.C. 20001

Dear Mr. Clarke:

Pursuant to your referral I conducted a psychiatric examination of your client. Patrick Knowlton, with the specific purpose of advising you on matters relating to his credibility with regard to his reports of attempts to harass him as a potential witness before the Whitewater Grand Jury last October. I have used the following sources of information: A clinical interview of two hours with Mr. Knowlton on Feb. 22, 1996; telephone interviews with Mr. Knowlton's woman friend Kathyrn L. Kaplan, on Feb. 23 and 24 totaling about one and one-half hours; the draft of his "Report of Witness Tampering," which you provided; some brief anecdotal information, also provided by you; and phone consultations with Dr. Lanning Moldauer, to whom I referred Mr. Knowlton for specific psychological tests. What follows is a summary of my opinions and the date upon which they are based.

The question of credibility, as you defined it, had mainly to do with Mr. Knowlton's report of systematic harassment occurring on the streets around Mr. Knowlton's home beginning on the

evening of Thursday, Oct. 26, 1995. During that evening and over the course of the next few days, according to Mr. Knowlton's detailed report, over two dozen instances occurred of male individuals making unusual contact with him, including staring at him intently as he walked or stood on the street, following him, brushing his shoulder in passing when there was ample room on the sidewalk to avoid him, and in at least one case pointing a finger at him in a way that suggested a gun shooting. These encounters lasted anywhere from a few seconds to more than a minute. Those occurring on Oct. 26 were also observed by Kathyrn L. Kaplan whom Mr. Knowlton was accompanying on a walk to the CVS drugstore on Dupont Circle that evening. Those occurring at the noon hour on Friday, Oct 27 were also observed by reporter Christopher Ruddy who accompanied Knowlton on his walk.

Knowlton's report contained a fair amount of detail about each encounter, including the approximate age, height and weight as well as the manner of dress of each of the persons involved, and a description of what he observed the person doing. In general these descriptions remained consistent in his re-telling them to me and in Kathyrn Kaplan's recounting. Most if not all of the persons described were said to be strong-looking and relatively young apparently in good physical shape, and it was noted that the one encountered on Thursday evening looked particularly fresh, as though they were just starting their work days, rather than looking as a normal person might at the end of a work day. Nothing in the descriptions of any of these individuals suggested anything so far outside the realm of the possible as to seem incredible (granted the assumption, of course, that a concerted attempt at harassment of a witness is something that might actually occur). There is nothing of the bizarre (granted, again, that the behavior described is out of the ordinary) or highly idiosyncratic in the descriptions that would suggest a delusional process.

Upon interview, Mr. Knowlton presented as solid-looking white male of medium height with brown hair, balding in the middle, looking about his stated age (41). His manner was for night and appropriately casual rather than formal. He displayed no unusual mannerisms and spoke coherently and fluently with no notable peculiarities of expression or articulation. He appeared to be of at

least average and probably above average intelligence. Though he was a bit tense, he smiled on a number of occasions, particularly as he described some of the encounter of last October, in what appeared to be an appropriate response to the unusualness of behavior of the people described, as well as an understandable attempt to relieve tension. His mood was neither elated nor obviously depressed and he showed good concentration with no evidence of intrusions from hallucinations or other distractions. While he seemed eager to tell his story there was no pressure of speech and he had no trouble stopping his narrative in order to respond to questions. His descriptions of the events were consistent with what was in his report.

Listening to his narrative, a clear picture developed of the course of events. Kathy had been the first person to notice that a man was looking at him strangely (on Thursday evening). He began to make similar observations and describes going through a normal series of thought processes including initial puzzlement about what could be happening and a partial wish to avoid eye contact with the men and to deny that anything unusual or frightening was happening until it was impossible the denial. He did not initially connect the events with the fact of his being a witness, although he recalls that both he and Kathy thought "Secret Service" when they saw the first subject talking into what appeared to be a wrist radio. He first entertained the thought that the subjects were gay men cruising but dismissed it relatively quickly since they looked "macho". By the time he and Kathy had left the drugstore it was impossible to deny they were being watched and harassed according to both their reports) and they were quite frightened, to the point that Knowlton felt rubber-legged thought he could hear his own heart beating. The men represented a potential physical threat and they both entertained thoughts that they might be assaulted or killed. While at a nearby restaurant, the couple tried to plan a strategy to deal with the situation. Knowlton believes it was Kathy who suggested writing down descriptions of all the subjects.

Clearly, then, they were both in a state of high alertness owing to their perception of extreme danger. By this time they had connected the events with the act of Patrick's being a witness, and his subsequent actions (contacting the reporter, etc.) are consistent

with this understanding and with a reasonable attempt to fight the danger by making careful observations, getting third parties to confirm what was happening, taking photographs of suspects, calling the FBI agent, and so forth. Given his perception of the situation at the time, it is not unusual that he could imagine that a man opening the truck of his car near him on the street could be taking out a gun. Mr. Knowlton also believes, with apparently good evidence, that his phone has been tampered with. He does not, however evince any beliefs that he or his belongs have been tampered with in other ways. He did not believe, for example, that his food was being poisoned, that people were talking about his private life, that people were entering his apartment and moving things around while he was away, that curious coincidences were occurring everywhere, that people were talking or laughing about him behind his back, that God or some superior force was directing events around him for personal reasons. In short, he did not display typical paranoid delusional thinking.

You had asked me to opine on whether it was possible for an ordinary person to make such a large number of detailed observations given the short period of time. The following observations are relevant to this question: First, Mr. Knowlton was clearly in a state of high alert from perceived danger. In such a state, perceptions are generally heightened in intensity and powers of concentration and recall can be greatly enhanced by the normal neurohumoral responses of the body, brain and nervous system. These are anything but casual observations. Secondly, Mr. Knowlton tends naturally to be a person who is attentive to details in his environment. According to Kathyrn Kaplan he characteristically would note details of buildings on their walks together, wondering aloud why something was built in a particular way. She also describes him as a generally confident person who feel he can take care of himself and although not belligerent will tend to confront danger directly rather than attempt to avoid them. This would be consistent with his wanting to know who was harassing him and why and with his taking an active role in solving the problem.

Thirdly, Mr. Knowlton was administer the Wechsler Memory Scale, Revised by Dr. Moldauer. This is a standardized, widely - used and well – respected instrument. The results indicated that

while Mr. Knowlton scored in the average range overall, his performance on the Visual Reproduction subtests 1 and 2 was quite superior. These are the tests closest in form to the actual situation that occurred on Oct. 26 and the days following. The subject is shows abstract design for ten seconds and then asked to reproduce them from memory after a thirty-minute delay. Mr. Knowlton was able to reproduce 37 out of 41, placing him in the 90th percentile (that is, he scored better than none out of ten people in the general population would be expected to score). This test result demonstrated that under certain circumstances Mr. Knowlton has unusually good powers of delayed recall of visually – presented stimuli and would be consistent with his ability to report accurately on the events of late October 1995. Additionally, Dr. Moldauer administered the MMPI, a standard personality inventory, to Mr. Knowlton. The test showed no indication of a paranoid processor of any other pathological process that would tend to undermine Mr. Knowlton's credibility in this instance.

To the present, Mr. Knowlton remains seriously concerned with the fore going events and their ongoing significance. He exhibits signs and symptoms of emotional stress including sleep disturbance, appetite and eating disturbance, loss of sexual interest, diminished investment in his daily exercise routine, and an exaggerated startle response. His concentration has at times been impaired and he reports feeling more vulnerable and less confident. Kathyrn Kaplan reports he is more withdrawn and irritable and that his mood, previously buoyant, is now often preoccupied and tense.

In conclusion, Mr. Knowlton appears to be a man without any previous significant mental disorder, who has been subjected to a traumatic set of events beginning with the chance occurrence of his having been in Ft. Marcy park on a summer day and having made certain observations and reported upon them consistent with his normal conception of his duty as a citizen. Subsequ4ent events appear to have been of such a nature that a normal person would feel threatened in the extreme and continue to have apprehensions about the future. Mr. Knowlton's response to the situation contains elements of excellent coping (e.g. making and reporting observations, seeking help) and elements of feeling overwhelmed indicated by typical signs and symptoms of post-traumatic stress.

The stress appears to come from two related sources: one, the sense of physical danger naturally engendered by the harassment described; and, two by the experience of being treated by recognized authority figures with mistrust and suspicion and attempts to discount or discredit him, in response to his attempts to tell the truth and to be a responsible citizen.

Please contact me if I can be of further assistance. Thank you for the opportunity to work with you and your client.

Sincerely,

/S/

Thomas C.Goldman, M.D.

AFFIDAVIT:

1. My name is Thomas C. Goldman.

2. The contents of my February 26, 1996 letter to Mr. Clarke regarding my psychiatric examination of his client, Patrick Knowlton, are true to the best of my information and Patrick Knowlton, are true to the best of my information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

1/22/97
Date

/S/
Thomas C. Goldman, M.D.

Appendix K
Affidavit of Ambrose Evans-Pritchard, November 30, 1999

AFFIDAVIT:

1. My name is Ambrose Evans- Pritchard.

2. The passages below appear in *The Secret Life of Bill Clinton,* which is a book that I wrote.

3. I have seen the photograph showing an apparent neck wound to Mr. Foster's neck, as recounted below:

> p. 140:
> Wary of entrusting anything to the FBI crime labs, Rodriguez turned to the Smithsonian Institution for enhancement of the original. The work was done by the Smithsonian's subcontractor, Asman Custom Photo Service on Pennsylvania Avenue. A set of five "blowups" of the original were made. They revealed a dime-sized wound on the right side of Foster's neck (his left side) about halfway between the chin and the ear. It was marked by a black "stippled" ring -- a sort of dotted effect, like an engraving -- that was suggestive of a .22 caliber gunshot fired at point blank range into the flesh.
>
> p. 141:
> The photograph, which I [Evans-Pritchard] have examined carefully, is one of the few surviving Polaroids taken at Fort Marcy that night.

4. An individual or individuals who were in a position to have had firsthand knowledge told me the facts in the following passages. To the best of my information, knowledge and belief, these facts are true:

> p. 111:
> Associate Independent Counsel Miguel Rodriguez was summoned to the Washington Office of the Independent

Counsel in the fall of 1994 by Kenneth Starr, with the explicit task of reviewing the Foster death.

(Page 1 of 6)

p. 136:
At first Rodriguez pretended to be following orders. He went about his business quietly, confiding only in his closest aides at the Washington Office of the Independent Counsel. . .he was spending his evenings combing through the archive of documents in the Foster case, and he did not like what he saw.

p. 112:
For four months Rodriguez probed the case. He called witnesses before a grand jury to answer questions for the first time under penalty of perjury, and soon discovered serious indications of a cover-up by the FBI. By the early spring of 1995 he was starting to probe a hypothesis that the crime scene at Fort Marcy Park had been staged, that the gun had most likely been planted in Foster's hand and that a crucial photograph of Foster's neck and head had been falsified.

p. 143:
Four of the rescue workers testified in secret before the Whitewater grand jury in the spring of 1995 that they saw trauma to the side of Foster's head or neck. [Author interview with confidential source at OIC] **Two of them, including Arthur, described it as a gunshot wound.** What they revealed under intensive cross-examination was a far cry from the innocuous observations attributed to most of them in their FBI statements. This information was submitted to Kenneth Starr in a memorandum from Miquel Rodriguez summing up the proceedings of the Whitewater grand jury in Washington.

p. 126:
"When I was before the grand jury they showed me two Polaroids," I was told by a member of the Fairfax County rescue squad, as we traipsed through the shrub in Fort Marcy

Park. "And you know what? **You could see blades of grass coming through the forefinger and the second finger in one, and another had grass between the second and third fingers. The prosecutor was real interested in that, real interested."** [author interview with member of Fairfax County rescue squad March 1995]

(Page 2 of 6)

p. 125:
"Well, what was it, he was asked under cross-examination at the Whitewater **grand jury in early 1995, was it people running away or was it the flash of cars? "It was people," he answered. It could have been cars, he said, but what he saw was people."** [Author interview with confidential grand jury source, January 1996]

p. 185:
Associate Counsel Miguel Rodriguez. . . read the perjury statutes line by line to the Park Police officers at the grand jury.

p. 149:
The first thing he [Rodriguez] noticed were little roadblocks left in his path. His requests for subpoenas were being held up. He was unable to call witnesses before the grand jury in a timely fashion. He was even having trouble obtaining Foster's credit card and travel records. Then the campaign of leaks began. In February 1995, planted stories started appearing in the Washington press alleging that he had been badgering Park Police officers at the grand jury. It was half-true. He had been reading them the perjury statutes in a deliberately pointed manner. With good reason. **Their accounts were flatly contradicted by the Fairfax County paramedics, who had no obvious incentive to lie. One Park Police officer ultimately broke ranks under cross-examination and testified that the crime scene had been tampered with after he arrived.**

p. 167:
These were the questions that Associate Counsel Miguel Rodriguez was about to explore before his investigation was stymied.

(Page 3 of 6)

p. 136:
It became obvious that the FBI agents who did the nuts and bolts work for the Fiske Report were engaged in a systematic cover-up. Now a year and a half later the same FBI agents were still there in the Office of the Independent Counsel, the gatekeepers who controlled access to the witnesses, the documents, the evidence. Yet Kenneth Starr had kept them on, allowing them to be the judge of their own past work.

p. 112:
But Rodriguez believed that the investigation was being sabotaged by prosecutors and FBI agents in his own office. He turned to Starr for support. Nothing was done to resolve the matter. In March of 1995 Rodriguez resigned. The only serious investigation into the death of Vincent Foster came to an abrupt end.

p. 158:
Instead, their [Doody & Feist] observations were reduced to this anodyne summary in the Fiske Report: "neither individual heard a gunshot while in the Park or observed anything unusual"... "They were going to be my secret weapon," Miquel Rodriguez confided to friends at the Starr investigation. But he never had a chance to call them before the grand jury. **Kenneth Starr concluded his suicide report in July 1997 without taking their** [Feist & Doody] **testimony under oath.** [They] were never called before the grand jury. Instead he sent FBI agents to reinterview them.

p. 151:
Rodriguez resigned on March 20. His closest aide resigned in sympathy. He returned to his old job in Sacramento, refusing to give interviews to the press. . . **The grand jury**

was disbanded and sent home. It was replaced by a new jury with no knowledge of the peripatetic gun, or the missing photos, or wound in the neck.

(Page 4 of 6)

p. 126:
The grand jury learned a good deal about the revolver in the early months of 1995, during the probe of Associate Independent Counsel Miguel Rodriguez. **But the jury was disbanded before it could do any damage. It learned, for instance, that Franz Ferstl, the second park police officer to reach Fort Marcy, had questioned the probity of the crime scene photos** taken later that evening after he had left. **He stated under oath that the gun was in a different position when he saw it.** Somehow the right hand had been edging out away from the body.

p. 126:
Miguel Rodriguez kept holding the photograph up in the light, wondering. He knew there was something wrong with it. The resolution was too blurred, even for a blowup of a Polaroid. [Author interview with confidential source inside the Starr investigation]

p. 136:
All you could see was a smear of blood on the right side of Foster's neck. It was the mysterious "contact stain" that nobody was able to explain. How had the blood found its way there, against the laws of forensic science, against the gravity? It was nagging at him day and night.

p. 136:
Rodriguez kept muttering about the photograph. "Is this all there is?" he asked.

p. 136:
"Yes, that's all there is; that's the original," replied his FBI staff. And so it might have rested if it had not been for the courage of one person in the Office of the Independent

Counsel who managed to gain access to the locked files. Hidden inside was a folder of crime scene photographs that had been deliberately withheld from the prosecutor.

(Page 5 of 6)

p. 136:
Among them was the original Polaroid of Foster's neck. What it showed was something very different from the "contact stain" in the fraudulent picture that had been circulating. Evidently, somebody had taken a photo of the original and then touched it up to disguise the incriminating evidence. This second-generation copy had then been used to create an enhanced "blow-up."

p. 136:
It was a blatant obstruction of justice. Indeed it was worse. Whoever had done this was now an accessory after the fact in the death of the Deputy White House Counsel, and they had made the mistake of failing to destroy the original.

p. 149:
Clearly, Starr had been assured a long time ago that there was nothing to Foster's death. He was none too pleased when Miquel Rodriguez started sending memos warning that there was something deeply wrong... But he had no idea what to do when Rodriguez told him that an original Polaroid showed a wound in the neck, and that renegade elements of the FBI were covering up the case.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 30, 1999.

/S/
Ambrose Evans-Pritchard

(Page 6 of 6)

Appendix L

Affidavit of Patrick Knowlton, June 21, 1999

AFFIDAVIT:

1. My name is Patrick James Knowlton.

2. On November 1, 1995, when I appeared before the grand juror, Brett Kavanaugh, in referring to the man I saw in Fort Marcy Park on July 20, 1993, asked me "Did he touch your genitals?"

I declare under penalty of perjury that the forgoing is true.

Date: June 21, 1999. /S/

Patrick James Knowlton

Appendix M
Affidavit of John Clarke, June 21, 1999

AFFIDAVIT:

1. My name is John H. Clarke. I represent Patrick Knowlton.

2. On November 1, 1995, after Patrick had finished testifying before the grand jury, as we were leavinfgg the court building, Patrick told me that during the grand jury proceeding, Brett Kavanaugh asked whether the man in Fort Marcy Park on July 20, 1993, "touched" his "genitals,"

I declare under penalty of perjury that the forgoing is true.

Date: June 21, 1999. /S/
John H. Clarke

Appendix N
Companion case orders.

Appendix N-1: UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT,
Division 94-1 for the Purpose of Appointing Independent Counsels
Motions of Patrick Knowlton:

September 26, 1997: Order granting motion for inclusion of Knowlton's 20-page submission in the OIC's Appendix to its Report on the Death of Vincent W. Foster. Jr

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UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Division for the Purpose of
Appointing Independent Counsels

Ethics in Government Act of 1978, As Amended

In Re: Madison Guaranty Savings & Loan Association — Division No. 94-1

Before: SENTELLE, *Presiding Judge*, and BUTZNER and FAY, *Senior Circuit Judges.*

ORDER

Upon consideration of the motion of Patrick Knowlton to include comments as an appendix to the Report on the Death of Vincent Foster, Jr., (the "Report"), and it appearing to the court that the motion should be granted, it is

ORDERED that the appendix to the Report shall include the September 23, 1997 letter from Knowlton's attorney to the court, together with exhibits thereto.

[Entered September 26, 1997]

Per Curiam
For the Court:
Mark J. Langler, Clerk

by /S/
Marilyn R. Sargent
Chief Deputy Clerk

September 30, 1997: Order denying OIC's motion to reconsider the Order for inclusion of Knowlton's submission in the Appendix to the OIC's Report on the Death

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UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Division for the Purpose of
Appointing Independent Counsels

Ethics in Government Act of 1978, As Amended

In Re: Madison Guaranty Savings & Loan Association — Division No. 94-1

Before: SENTELLE, *Presiding Judge*, and BUTZNER and FAY, *Senior Circuit Judges.*

ORDER

This matter coming before the court for reconsideration of the court's order of September 26, 1997 allowing the comments of Patrick Knowlton to be included in the appendix to the Report on the Death of Vincent Foster, it is

ORDERED that the motion of the Independent Counsel for reconsideration is denied.

[Entered September 30, 1997]

Per Curiam
For the Court:
Mark J. Langler, Clerk
by /S/
Marilyn R. Sargent
Chief Deputy Clerk

September 14, 1999: Order dismissing motions for lack of jurisdiction and granting unsealing of record in the matter

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UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Division for the Purpose of
Appointing Independent Counsels

Ethics in Government Act of 1978, As Amended

In Re: Madison Guaranty Savings & Loan Association — Division No. 94-1

Before: SENTELLE, *Presiding Judge*, FAY and CUDAHY, *Senior Circuit Judges.*

ORDER

This matter coming before the Court upon sealed Motions of Patrick Knowlton: 1) For Leave to Amend Comments and Factual Information Included in the OIC's Interim report on the Death of Vincent Foster; 2) To Unseal Comments and Factual Information Proposed to be an Appendix to the OIC's Report; 3) to Compel the

OIC to Produce Grand Jury Minutes; and 4) to Present Evidence to the Grand Jury, it is hereby

ORDERED that the Motions be dismissed for lack of jurisdiction. It is

FURTHER ORDERED that the Motions and all documents filed therewith, as well as the "Notice of Service and Filing" filed on August 30, be unsealed.

[Entered September 12, 1999]

Per Curiam
For the Court:
Mark J. Langler, Clerk
by /S/
Marilyn R. Sargent
Chief Deputy Clerk

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Appendix N-3: UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA Knowlton v. United States of America, et al., CA 96-2467

September 9, 1999: Order (1) Denying plaintiff's October, 1998, motion for leave to amend complaint (2) granting defendants' motions for summary judgment

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PATRICK JAMES KNOWLTON	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 96-2467
	)	(JGP)
United States of America, et al.,	)	
	)	
Defendants.	)	
	)	

ORDER

This matter is before the Court on motions to dismiss, or in the alternative, for summary judgment. Also pending is Plaintiff's motion for Leave to File Revised Second Amended Complaint. For the reasons set forth in the accompanying Memorandum, it is hereby

ORDERED that the Federal Defendants' Motion to Dismiss, or in the alternative, Motion for Summary Judgment is granted; and is further

ORDERED that Defendant Ayman Alouri's Motion to Dismiss, or in the alternative, Motion for Summary Judgment is granted; and is further

ORDERED that Plaintiff's Motion for Leave to File Revised Second Amended Complaint is denied; and is further

ORDERED that judgment be entered in favor of defendants and against plaintiff; and is further

ORDERED that this case is dismissed with prejudice.

Date: SEP 9 1999

/S/
JOHN GARRETT PENN
United States District Judge

November 29, 1999: Order denying plaintiff's Rule 59(e) motion to alter or amend judgment

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PATRICK JAMES KNOWLTON	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 96-2467
	)	(JGP)
United States of America, et al.,	)	
	)	
Defendants.	)	
	)	

MEMORANDUM ORDER

This is matter is before the Court on **Plaintiff's Motion to Alter or Amend Entry of Summary Judgment and Order Denying Leave to Amend Complaint** [#71]. Defendants oppose the motion. For the reasons set forth below, the motion is denied.

On September 9, 1999, by memorandum opinion and accompanying order, the Court granted defendants' motions for summary judgment, denied plaintiff's motion for leave to amend his complaint, and dismissed this action with prejudice. Judgment was entered accordingly. On September 10, plaintiff, apparently unaware of the court's ruling, attempted to file a **Cross-Motion for Partial Summary Judgment on the Issue of the Existence of Conspiracy.** Attached to plaintiff's motion was his proposed amended appendix to the Office of Independent Counsel's report on the death of Vincent Foster, and exhibits thereto. Because the Court had entered its order dismissing the case, the Clerk of the Court did not accept plaintiff's documents for filing.

Plaintiff then filed the motion now before the Court, asking for reconsideration. Specifically, plaintiff moves pursuant to Federal Rule of Civil Procedure 59(e), asking the Court either to reconsider its ruling in light of his cross-motion and related materials, all of which have been filed as an exhibit to the instant motion, or alternatively to permit his motion to be made a part of the record so that it may be considered on appeal.

The Court may grant a motion to alter or amend a judgment upon a showing that there has been "an intervening change of controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice." Anyanwutaku v. Moore, 151 F.3d 1053, 1057-58, 331 U.S. App. D.C. 379, 383-84 (1998) (internal quotations omitted); Firestone v. Firestone, 76 F.3d 1205, 1208, 316 U.S. App. D.C. 152, 155 (1996). Plaintiff does not even allege the existence of any of these circumstances. It appears plaintiff simply asks the Court to consider his motion because he attempted to file it only one day after the entry of the Court's order, and because his delay was justified by his desire to wait for a ruling by the Court of Appeals to unseal the material. Plaintiff had ample opportunity to oppose defendants' motions and did so with extensive briefing and numerous exhibits. Plaintiff also had more than enough time to file a cross-motion, or to ask the Court to hold the motions in abeyance pending the Court of Appeals' decision regarding the sealed materials. His failure to do so until after the Court's order had been entered does not justify vacating the judgment. Absent even an allegation that there is any intervening change in law, newly discovered facts, or a clear error, the Court does not deem it appropriate to reopen this matter.

Morever, it is clear from plaintiff's own description of his underlying cross-motion that vacating the judgment to consider his materials would, in any event, be futile. Plaintiff explains that "the subject evidence proves the existence of the overarching conspiracy, at least in the absence of evidence to the contrary." "Reply at 4. This Court has already ruled, however, that such evidence is not enough to sustain this action. The Court determined that "Plaintiff has failed to offer sufficient evidence from which a reasonable fact finder could determine that there existed a meeting of the minds between any of the alleged conspirators," and that "[t]herefore, his claim

pursuant to § 1985(2) must be dismissed." Memorandum at 29. The Court further noted that "*even if* plaintiff could sufficiently establish by his voluminous filings the existence of a conspiracy to obstruct justice into the investigation of the death of Mr. Foster, he cannot rely solely on the existence of that conspiracy to establish the § 1985(2) violation before this Court." Memorandum at 25. Finding that plaintiff failed to connect the named parties to any conspiracy, the Court rejected plaintiff's allegations. Id. Thus, even if plaintiff's motion were proper under Rule 59(e), which it is not, the Court would nevertheless reject reconsideration because plaintiff simply seeks to offer more proof of the existence of an overarching conspiracy, and the Court has already ruled that the case should be dismissed even if such an overall conspiracy could be established.

Finally, plaintiff alternatively asks this Court to include in the record his attempted cross-motion and related materials, even if the Court ultimately denies reconsideration, apparently so they may be considered on appeal. Plaintiff's materials were received as an exhibit to his Rule 59(e) motion to alter or amend. They were not considered by the Court, either in its consideration of the merits of this action or its decision to deny reconsideration. The materials will remain a part of the record as an exhibit to plaintiff's Rule 59(e) motion.

For the reasons stated herein, it is hereby

ORDERED that **Plaintiff's Motion to Alter or Amend Entry of Summary Judgment and Order Denying Leave to Amend Complaint** [#71] is denied.

Date: NOV 29, 1999

/S/
JOHN GARRETT PENN
United States District Judge

Appendix N-4: UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT
Knowlton v. Alouri, et al., No. 99-5433
(CA 96-2467)

June 27, 2000: Order granting appellees' motions for summary affirmance

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UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 99-5433
(C.A. 96-02467 JGP)

PATRICK JAMES KNOWLTON, Appellant)
)
v.)
)
RUSSELL T. BRANSFORD, et al., Appellees)
)

BEFORE: Williams, Ginsburg, and Randolph, Circuit Judges

ORDER

Upon consideration of the motions for summary affirmance, the oppositions thereto, and the replies; and the motion to reconsider court order granting appellees leave to late-file motion for enlargement of time to file a reply and granting enlargement of time, the oppositions hereto, and the reply, it is

ORDERED that the motion to reconsider be denied. It is

FURTHER ORDERED that the motions for summary affirmance be granted. The merits of the parties' positions are so clear as to warrant summary action. See Taxpayers Watchdog, Inc. v. Stanley, 819 F.2d 294, 297 (D.C. Cir. 1987) (per curiam); Walker v. Washington, 627 F.2d 541, 545 (D.C. Cir). (per curiam), cert.

denied, 449 U.S. 994 (1980). On appeal, appellant challenges the district court's grant of summary judgment, with respect to appellant's claim under 42 U.S.C. § 1985(2), in favor of appellees Lawrence Monroe and Russell Bransford, in their individual capacities, and as well as appellee Ayman Alouri. Contrary to his assertions, appellant's evidence fails to support his § 1985(2) claim. See Abercrombie v. City of Catoosa, 896 F.2d 1228, 1230-31 (10th Cir. 1990) (affirming summary judgment against plaintiff on § 1985(2) claim where plaintiff failed to establish "either by direct or circumstantial evidence, a meeting of the minds or agreement among the defendants;" plaintiff offered no evidence of communication between alleged co-conspirators and nothing that would give rise to inference that they conspired).

The Clerk is directed to withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

/S/

SFW
DHG
ARR

September 13, 2000: Order denying appellant's petition for hearing and petition for hearing en banc

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 99-5433
(C.A. 96-02467 JGP)

PATRICK JAMES KNOWLTON, Appellant)
)
v.)
)
RUSSELL T. BRANSFORD, et al., Appellees)

BEFORE: Williams, Ginsburg and Randolph, Circuit Judges

ORDER

Upon consideration of appellant's petition for rehearing filed July 27, 2000, it is

ORDERED that the petition be denied.

Per Curiam

For the Court:
Mark J. Langler, Clerk
by /S/
Robert A. Bonner
Deputy Clerk

Appendix O
Text of statutes:

Appendix O-1: The Ethics in Government Act of 1978, As Amended, 28 U.S.C. §§ 591-599 (1994)

28 U.S.C. § 593. Duties of the division of the court

* * *

(b) Appointment and jurisdiction of independent counsel

* * *

(3) Scope of prosecutorial jurisdiction. -- In defining the independent counsel's prosecutorial jurisdiction, the division of the court shall assure that the independent counsel has adequate authority to fully investigate the subject matter with respect to which the Attorney General has requested the appointment of the independent counsel, and all matters related to that subject matter. Such jurisdiction shall also include the authority to investigate and prosecute federal crimes, other than those classified as Class B or C misdemeanors or infractions, that may arise out of the investigation or prosecution of the matter with respect to which the Attorney General's request was made, including perjury, obstruction of justice, destruction of evidence, and intimidation of witnesses. (emphasis supplied)

* * *

(g) Disclosure of information. -- The division of the court may, subject to section 594(h)(2), allow the disclosure of any notification, application, or any other document, material, or memorandum supplied to the division of this chapter.

(h) Amicus curie briefs. -- When presented with significant legal issues, the division of the court may disclose sufficient information about the issues to permit the filing of timely amicus curie briefs.

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28 U.S.C. § 594. Authorities and duties of an independent counsel

* * *

(e) Referral of other matters to an independent counsel – An independent counsel may ask the Attorney General or the division of the court to refer to the independent counsel matters related to the independent counsel's prosecutorial jurisdiction, and the Attorney General of the division of the court, as the case may be, may refer such matters. If the Attorney General refers a matter to an independent counsel on the Attorney General's own initiative, the independent counsel may accept such referral if the matter relates to the independent counsel's prosecutorial jurisdiction. It the Attorney General refers any matter to the independent counsel pursuant to the independent counsel's request, or if the independent counsel accepts a referral made by the Attorney General on the Attorney General's own initiative, the independent counsel shall so notify the division of the court.

(f) Compliance with policies of Department of Justice

(1) In general. An Independent Counsel shall, except where not possible, comply with the written or other established policies of the Department of Justice respecting enforcement of the criminal laws...

* * *

(h) Reports by independent counsel --

(1) Required reports -An independent counsel shall--

(A) file with the division of the court, with respect to the 6-month period beginning on the date of his or her appointment, and with respect to each 6-month period thereafter until the office of that independent counsel

terminates, a report which explains major expenses...; and

(B) before the termination of the independent counsel's office under section 596(b), file a final report with the division of the court, setting forth fully and completely a description of the work of the independent counsel, including the disposition of all cases brought. (emphasis supplied)

(2) Disclosure of information in reports - The division of the court may release to the Congress, the public, or any appropriate person, such portions of a report made under this subsection as the division of the court considers appropriate. The division of the court may make any portion of the final report filed under paragraph (1)(B) available to any individual named in such report for the purposes of receiving within a time limit set by the division of the court any comments or factual information that such individual may submit. Such comments and factual information, in whole or in part, may, in the discretion of the division of the court, be included as an appendix to such final report. (emphasis supplied)

---

28 U.S.C. § 596. Removal of independent counsel; termination of office

* * *

(b) Termination of office --

(1) Termination by action of independent counsel. An office of independent counsel shall terminate when --

(A) the independent counsel notifies the Attorney General that the investigation of all matters within the prosecutorial jurisdiction of such independent counsel or accepted by such

independent counsel under section 594(e), and any resulting prosecutions, have been completed or so substantially completed that it would be appropriate for the Department of Justice to complete such investigations and prosecutions; and

(B) the independent counsel files a final report in compliance with section 94(h)(1)(B) (emphasis supplied)

---

28 U.S.C. § 597: Relationship with Department of Justice--

(a) Suspension of other investigations and proceedings -- Whenever a matter is in the prosecutorial jurisdiction of an independent counsel under section 594(e), the Department of Justice, the Attorney General, and all other officers and employees of the Department of Justice shall suspend all investigations and proceedings regarding such matter, except to the extent required by section 594(d)(1), and except insofar as such independent counsel agrees in writing that such investigation or proceedings may be continued by the Department of Justice. (emphasis supplied)

Appendix O-2: Special Grand Jury, Chapter 216,
18 U.S.C. §§ 3331, 3332,
Summoning and term; Powers and duties

18 U.S.C. § 3331. Summoning and term

(a) In addition to such other grand juries as shall be called from time to time, each district court which is located in a judicial district containing more than four million inhabitants or in which the Attorney General, the Deputy Attorney General, the Associate Attorney General or any designated Assistant Attorney General, certifies in writing to the chief judge of the district that in his judgment a special grand jury is necessary because of criminal activity in the district shall order a special grand jury to be summoned at least once in each period of eighteen months unless another special grand jury is then serving. The grand jury shall serve for a term of eighteen months unless an order for its discharge is entered earlier by the court upon a determination of the grand jury by majority vote that its business has been completed. (emphasis supplied)

18 U.S.C. § 3332. Powers and duties

(a) It shall be the duty of each such grand jury impaneled within any judicial district to inquire into offenses against the criminal laws of the United States alleged to have been committed within that district. Such alleged offenses may be brought to the attention of the grand jury by the court or by any attorney appearing on behalf of the United States for the presentation of evidence. Any such attorney receiving information concerning such an alleged offense from any other person shall, if requested by such other person, inform the grand jury of such alleged offense, the identity of such other person, and such attorney's action or recommendation.
(b) Whenever the district court determines that the volume of business of the special grand jury exceeds the capacity of the grand jury to discharge its obligations, the district court may order an additional special grand jury for that district to be impaneled. (emphasis supplied)

Appendix O-3: Witness Tampering, 18 U.S.C. § 1512

18 U.S.C. § 1512:

* * *

(c) Whoever intentionally harasses another person and hinders, delays, prevents, or dissuades any person from-

* * *

(4) causing a criminal prosecution... to be sought or instituted, or assisting in such prosecution or proceeding; or attempts to do so shall be fined under this title or imprisoned...

Appendix O-4: Conspiracy to interfere with civil rights, 42 U.S.C. § 1985 (2)

42 U.S.C. § 1985 (2) Conspiracy to interfere with civil rights

> **(2) Obstructing justice; intimidating party, witness, or** juror -- [in part]: If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully...

Appendix O-5: Rule 6 (e) of the Federal Rules of Criminal Procedure

Fed. R. Crim. P. 6(e)(2), General Rules of Secrecy, states in pertinent part:

> [A]n attorney for the government, or any person to whom disclosure is made paragraph (3)(A)(ii) of this subdivision shall not disclose matters occurring before the grand jury... A knowing violation of Rule 6 may be punished as a contempt of court.

Appendix P: Two newspaper articles alleged to contain information in violation of Rule 6 of the Federal Rules of Criminal Procedure

Appendix P-1: January 6, 1995, *Scripts Howard News Service*, "Nothing new on Foster, sources say Starr backing Fiske on depression suicide"

Appendix P-2: February 22, 1995, The Wall Street Journal, "Capital Secret: There may be less to Whitewater than meets the eye"

Copyright 1995 Little Rock Newspapers, Inc.
Arkansas Democrat-Gazette

January 6, 1995, Friday

SECTION: NEWS ; Pg. 10A

LENGTH: 439 words

HEADLINE: NOTHING NEW ON FOSTER, SOURCES SAY STARR BACKING FISKE ON DEPRESSION SUICIDE

BYLINE: LISA HOFFMAN, Scripps Howard News Service

DATELINE: WASHINGTON

BODY:
[emphasis supplied]

-- Independent counsel Kenneth Starr is expected to conclude that Vincent Foster, the deputy White House counsel, committed suicide for reasons unrelated to the Whitewater Development Corp. affair, **sources familiar with Starr's inquiry have said.**

Such a conclusion would match the results of an investigation by

special counsel Robert Fiske Jr., Starr's predecessor.

Starr's investigators have found no evidence to suggest that Foster, a Hope native and former partner in Little Rock's Rose Law Firm, **did not shoot himself in a northern Virginia park on July 20, 1993, said the sources, who spoke on condition of anonymity**.

Investigators also have turned up no sign that Whitewater precipitated Foster's decision to kill himself even though he was handling Whitewater-related tax matters for President Clinton and first lady Hillary Rodham Clinton before he died, the sources said. They said Starr's investigators found that Foster suffered from a deep depression exacerbated by criticism over how the White House handled the firing of aides in its travel office.

Starr's team consists of lawyers and FBI agents. Rather than repeat Fiske's exhaustive investigation, Starr's investigators mostly reviewed that work and supporting evidence. But they also followed some avenues not pursued by Fiske, the sources said.

"It all leads to the same conclusion," one source said.

Fiske's 58-page report was issued June 30, 1994, after four months of investigation. It was based on interviews with 125 people, sophisticated technical analysis of physical evidence and assessments from four of the top forensic experts in the country.

A Senate Banking Committee report released this week, as well as an investigation by the U.S. Park Police made public in July, reached similar conclusions.

Still, rumors of murder conspiracies and Clinton administration cover-ups concerning Foster's death abound, fueled by some talk-show hosts, television evangelists and conservative activists who fault Fiske for leaving holes in the investigation.

Indications are that even if Starr's report accepts Fiske's assessment

of Foster's death, the controversy might not be laid to rest. Sen. Alfonse D'Amato, R-N.Y., the new chairman of the Senate Banking Committee, said he generally accepts the committee's findings that Foster committed suicide. But he said he still has questions about the investigation and about the search of Foster's White House office after his body was found.

Starr is continuing to examine whether White House aides removed pertinent documents from Foster's office before park police investigators could examine them.

Capital Secret: There May Be Less To Whitewater Case Than Meets the Eye --- Political Fallout Could Hurt Clintons, but Prosecutor Finds Many Dead Ends --- Some Mysteries Will Remain

By **Ellen Joan Pollock** and Viveca Novak
Staff Reporters of The **Wall Street Journal**

02/22/1995
The **Wall Street Journal**
A1
(Copyright (c) 1995, Dow Jones & Co., Inc.)
[emphasis supplied]

LITTLE ROCK, Ark. -- Here's a word of advice to anyone in Hollywood hoping to make "Whitewater, the Movie."
Don't expect high drama.

Anyone counting on riveting scenes of Hillary Clinton meeting with shadowy figures in the Arkansas woods, or on a solution to the mystery of a top White House official's death -- was it really suicide, or was it murder? -- is destined to be disappointed. Indeed, as independent counsel Kenneth Starr moves ahead with his investigation and refines his legal case, what is most noteworthy is how many of the biggest Whitewater headlines appear to be heading toward the cutting-room floor.

In fact, in what may be Washington's biggest open secret, few of the Beltway cognoscenti or the hundreds of journalists following the affair believe it ultimately will ensnare the Clintons in criminal charges. Even the president's toughest critics admit that such charges are extremely unlikely. "I have viewed it largely as an issue of public ethics," says Rep. James Leach, an Iowa Republican. "I'm suggesting that there is no reason to pursue criminal accountability with the Clintons."

The scandal is fast turning instead into a garden-variety savings-and-loan case whose primary players are hardly household names. That isn't to say nobody will go to jail; several lesser figures may, probably on white-collar charges such as bank and wire fraud. But the juiciest allegations, such as those stemming from the first lady's commodities profits or the shredding of mysterious documents, have been all but discarded by criminal investigators.

The Whitewater mess goes back to Bill and Hillary Clinton's ill-fated 1978 investment in Whitewater Development Co., a real-estate venture. The idea was to sell house lots in the north central Arkansas woods to retirees and vacationers, but the project wasn't a success. The scandal erupted because of the involvement of their partners in the venture, James McDougal and his then-wife, Susan. Mr. McDougal was the high-flying owner of Madison Guaranty Savings & Loan in Little Rock, a thrift that collapsed in 1989 and resulted in a taxpayer bailout estimated at between $47 million and $60 million. A longtime friend of the Clintons, Mr. McDougal had run the thrift as a personal fief, using it to finance his pet real-estate projects and to provide employment for his family and friends, thrift regulators say. For the past year, prosecutors have busied themselves trying to figure out if money from Madison was illegally diverted either to Whitewater to prop up the Clintons' investment or to Mr. Clinton's 1984 gubernatorial campaign.

Certainly, the investigation is continuing and there is a chance that the Clintons may yet get caught up in the mess; even if no charges are brought against the Clintons, the scandal could still seriously hurt the president. Republicans are hoping to prove that Mr. Clinton orchestrated a coverup or tried to squelch a government investigation of wrongdoing at Madison. They also hope -- and Democrats fear --

that Mr. Starr could force other players in the Whitewater affair into plea deals that would somehow implicate the Clintons.
Yet the next spate of indictments will probably be far more mundane, perhaps involving a group of people associated with Madison Guaranty. The biggest fish that may be swept into that net is Arkansas Gov. Jim Guy Tucker, who was a Madison borrower.
A blow-by-blow account of the various charges involved in the Whitewater scandal shows that at this point, investigators have found little evidence to support many of the sexiest, most publicized allegations.

One such charge, for example, stems from the fact that funds from Madison accounts ended up in the coffers of Mr. Clinton's 1984 gubernatorial campaign. The Resolution Trust Corp., the thrift bailout agency, told the Justice Department that there was "a strong degree of probability" that a cashier's check purchased in the name of former Sen. J. William Fulbright, who died earlier this month, and given to the Clinton campaign "was in fact purchased by McDougal." That is damaging -- but not to Mr. Clinton. No evidence has surfaced that Clinton campaign workers knew of any wrongdoing, people familiar with the investigation say.
Perhaps the only person who knows the secret of those funds is Mr. McDougal, and Mr. Starr will have a hard time getting it out of him. The former banker has declined an invitation to go before Mr. Starr's grand jury. Unlikely to cop a plea, he may argue that because he was already tried and acquitted of bank-fraud charges in 1990, another indictment constitutes double jeopardy.

Some of Whitewater's other mysteries seem destined for the dustbin, with nary a mention in court. Revelations of Mrs. Clinton's extraordinary winnings in the commodities market in the 1970s incited nationwide suspicion. But Mr. Starr and his predecessor, Robert Fiske, have never even taken up the issue, which is only tangentially related to the Whitewater affair. For all the ballyhoo over the advice she received from a lawyer for Tyson Foods Inc., which helped her turn an initial $1,000 investment into an almost -- $100,000 gain, no one has offered proof that a crime was committed. And in any case, that and other questions over whether the profits were legitimately allocated to her account are at this point moot: The statute of limitations on such alleged crimes expired years ago.

Nobody is likely to be indicted over the suicide of former Deputy White House Counsel Vincent Foster, either. Mr. Fiske concluded that Mr. Foster was depressed and that no foul play was involved. But Mr. Starr reopened the investigation several months ago, fueling speculation that new revelations are imminent.

Mr. Starr, however, has no quarrel with Mr. Fiske's results, people familiar with the investigation say. Rather, he wants to get all the testimony before a grand jury to give those conclusions more validity, in a bid to silence conspiracy enthusiasts who argue that Mr. Foster was murdered or his body was moved. Mr. Fiske's interviews had been conducted more informally.

Two headline-making probes involving Mrs. Clinton's former law firm in Little Rock also appear to have evaporated. Claims by two young Rose Law Firm clerks that they were ordered to destroy documents belonging to Mr. Foster provided a whiff of intrigue to the investigation last year. But investigators didn't find evidence that the shredding was anything but the routine disposal of documents, and aren't currently pursuing the matter.

Also apparently abandoned are accusations that Mrs. Clinton had a conflict of interest when she represented Madison before a state regulator appointed by Mr. Clinton while he was governor. Criminal investigators have stopped asking about the episode, and ethics experts have said they see no problem with her representation. Some Whitewater questions, of course, are very much alive. But whether they can be proved in a court remains to be seen. David Hale, a former Arkansas municipal judge and businessman, has accused Mr. Clinton of pressuring him to make an improper Small Business Administration-backed loan to Mr. McDougal's wife. It is perhaps the most damaging charge made against Mr. Clinton, and he has vehemently denied it.

So far, it appears that no witness has come forward to back up Mr. Hale's account, except for a state trooper who has corroborated it only in part and whose credibility has been questioned. And Mr. Hale himself isn't an ideal witness; he pleaded guilty to defrauding

the SBA and is at the heart of some of the transactions Mr. Starr is struggling to untangle. Still, investigators are taking Mr. Hale seriously, and his testimony may well be used against some lesser figures in the scandal. Investigators are following his leads, and have tucked him away in secret safe houses.

Alleged wrongdoing by presidential aide Bruce Lindsey also probably won't result in charges. Mr. Lindsey has been questioned in part because, as treasurer of Mr. Clinton's 1990 gubernatorial re-election campaign, he signed several checks for cash in $7,500 increments in a single day. One question is whether he intentionally kept the amount of each check under the $10,000 threshold that triggers a federal reporting requirement. This is one of the few campaign-related allegations that aren't too old to prosecute, but it is hard to prove. The bank also could be liable for failing to report the transactions, but that would be far afield from the White House. Mr. Starr continues to dwell on these points as well as to comb through the campaign's expenditures.

This isn't to say that all of Whitewater's secrets have been unraveled. Recently, Mr. Starr has turned up the heat on Whitewater's broker, Chris Wade, who is well acquainted with Mrs. Clinton's role in the project. Those familiar with Whitewater believe the first lady is more vulnerable than her husband because she kept better tabs on it. Mr. Starr demanded Mr. Wade's business and personal records going back as far as 1978, many of which have nothing to do with Whitewater. "Maybe they think I know something I don't know," Mr. Wade says, adding that in Whitewater, "there was some sloppy bookkeeping and unusual transactions," but "nothing unethical or illegal."

Prosecutors have asked Mr. Wade about Mrs. Clinton's building of a model home on a Whitewater lot, and the sale, repurchase and resale of the property, transactions that have raised a variety of questions. (Mrs. Clinton took out a loan for the model home, though the payments were made by Whitewater.) And in some years, the Clintons took personal deductions that some accountants say should have been applied to Whitewater's returns.

But the Internal Revenue Service audited and didn't challenge the Clinton's tax returns for 1979, one of the years in which they took the questionable deductions. More significantly, the statute of limitations for most federal felonies is five years. For tax crimes it is six years. So, to build a case of tax-law or other violations, Mr. Starr would have to hook allegations into a conspiracy that falls within the statute of limitations.

Mr. Starr's best bet, if he wanted to indict Mrs. Clinton, would be to tie her to losses at Madison, since the statute of limitations for S&L crimes is much longer. But that, too, would be difficult, as Mrs. Clinton appears to have had little knowledge about Madison's management. There is some evidence that Mr. McDougal made a payment on Mrs. Clinton's loan for the model home from an overdrawn Whitewater account at Madison, and that money was moved from other accounts to make up the breach, but there appears to be no evidence that Mrs. Clinton knew about it.

In terms of a case with high political impact, Mr. Starr appears left with only one major route: to pursue a cover-up case against members of the Clinton administration. There are allegations that the Clinton White House tried to hinder investigations into Madison, Whitewater and Mr. Foster's death. Pursuing indictments on this front -- most probably for obstruction of justice -- would pull the controversy right into the present.

In part to follow this route, Mr. Starr is trying to figure out whether something nefarious happened to documents removed from Mr. Foster's office after his death. Whitewater files taken from the office were locked away in the White House's family quarters at Mrs. Clinton's behest. Mr. Fiske delayed issuing a report last summer when he suddenly picked up additional information, and Mr. Starr is believed to have found some minor contradictions in the players' version of the events.

But it will take more than a few mismatched stories to make an obstruction-of-justice case. Clinton lawyer David Kendall has said the Whitewater files were put in a closet briefly only because the Clintons' lawyer wasn't immediately available to take them, and the

files were later turned over to prosecutors. If no documents are missing, it will be difficult to press charges.

Then there is the controversy over discussions between White House and Treasury Department officials about the RTC's investigation of Madison. There was some question as to whether Treasury officials acted improperly when they discussed the RTC's investigation with the White House, since the Clintons were potential witnesses. Mr. Fiske found insufficient evidence to indict anyone involved.
But the issue was renewed last summer by New York Sen. Alfonse D'Amato. During Senate Banking Committee hearings, Sen. D'Amato and others attacked administration officials for offering differing accounts of the conversations. Mr. D'Amato, who has since become chairman of the committee, and his GOP brethren are likely to revisit that issue and others at hearings this spring. And Republican members of the committee have asked Mr. Starr to review the accuracy of the prior Senate testimony. That puts Mr. Starr, who is a conservative Republican, in a tight spot because he doesn't want to appear to be caving in to GOP pressure.
But the controversy also puts Democrats in a difficult position. Some people familiar with Mr. Starr's investigation predict he will decide that he agrees with both Mr. Fiske and Mr. D'Amato: that there is insufficient evidence to indict, but that administration officials showed poor judgment.

In any case, Mr. Starr will have a chance to spell out his concerns and criticisms about all of these issues in a final report. The new independent counsel law gives him less latitude to slap wrists than his predecessors, such as Iran-Contra counsel Lawrence Walsh, who caused much unhappiness among Republicans with his stinging, accusatory final report.

But there will still be room to maneuver, and it may be Mr. Starr's best -- and only -- shot at attacking the Clintons if he thinks they mishandled their personal or political affairs yet didn't break the law. Such a report could be a public-relations disaster for Democrats -- and a major blow to the Clintons, even if no criminal charges are ever brought.

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Appendix Q

UNDER SEAL